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THE

HISTORY

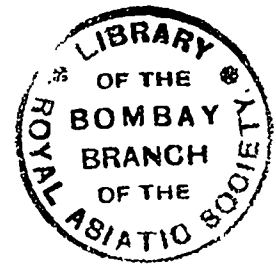
OF THE

REBELLION,

BY

EDWARD EARL OF CLARENDON.

IN EIGHT VOLUMES.



Κτῆμα ἐς ἀεί. THUCYD.

Ne quid falsi dicere audeat, ne quid veri non audeat. CICERO.

THE

HISTORY

OF THE

REBELLION AND CIVIL WARS

IN

ENGLAND,

TO WHICH IS ADDED

HISTORICAL VIEW OF THE AFFAIRS OF IRELAND,

BY

EDWARD EARL OF CLARENDON.

A NEW EDITION,

COMPARING A FAITHFUL COLLATION OF THE ORIGINAL MS.,
WITH ALL THE SUPPRESSED PASSAGES;

ALSO

UNPUBLISHED NOTES OF BISHOP WARBURTON.

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THE

HISTORY

OF THE

REBELLION, &c.

BOOK IV.

Isa. xvii. 12.[a]

Wo to the multitude of many people, which make a noise like the noise of the seas; and to the rushing of nations, that make a rushing like the rushing of many waters.

WHEN the king came to York, which was about the middle of August, he found no part of either army disbanded; for, though orders had been issued to that purpose, yet the money, without which it could not be done, was not yet come to hand;[b] and because so great a sum could not be presently procured, as would satisfy both, an act of parliament had been passed, for the satisfaction of the principal officers of the king's army, by which they were promised payment, upon the public faith, in November following; till which time they were to respite it, and be contented that the common soldiers, and in- 1641. The king came to York in his journey towards Scotland.

[a] Isa. xvii. 12. — *many peo-* [b] to hand;] to their hands; *ters.*] *Not in MS.*

BOOK IV.

ferior officers, should be fully satisfied upon their disbanding.

1641. During the time of the king's abode at York, which was not many days, the earl of Holland, lord general, made a suit to him for the making a baron; which, at that time, might have been worth to him ten thousand pounds. Whether the king apprehended the making an unfit man, who might disserve him in the house of peers; or whether he resolved to contain himself from enlarging that number, except upon an extraordinary relation to his own service, I know not: but he thought not fit, at that time, to gratify the earl: by which he took himself to be highly disobliged, (as the courtiers of that time looked upon [c] whatsoever was denied to them, as taken [d] from them,) and having received some information, from sir Jacob Ashley and sir John Coniers, of some idle passages in the late tampering with the army to petition, which had not been before heard of; as soon as the king was gone towards Scotland (though his majesty hath since told me, "that he "thought he had left him [e] at parting in very good "humour, and devotion to his service") the earl [f] wrote a letter to the earl of Essex, to be communicated in parliament, "that he found there had been "strange attempts made to pervert and corrupt the "army, but, he doubted not, he should be able to "prevent any mischief:" the whole sense being so mysterious, that it was no hard matter, after it was read in the houses, [g] to persuade men, that it related to somewhat they had yet never heard; and being

[c] looked upon] took
[d] as taken] to be taken
[e] him] the earl
[f] the earl] he
[g] the houses,] both houses,

dated on the sixteenth day of August, which must be the time that the king was there, or newly gone thence [h], (for he took his journey from London on the tenth,) seemed to reflect on somewhat his majesty should have attempted. Hereupon their old fears are awakened, and new ones infused into the people; every man taking the liberty of making what interpretation he [i] pleased of that which no man understood.

Order of both houses to disarm all papists.

The papists were the most popular common-place, and the butt against whom all the arrows were directed; and so, upon this new fright, an order was made by both houses "for disarming all the papists "in England:" upon which, and the like orders, though seldom any thing was after done, or no matter of moment, yet it served to keep up the fears and apprehensions in the people, of dangers and designs, and to disincline them from any reverence or affection to the queen, whom they begun [j] every day more implacably to hate, and consequently to disoblige. And, as upon those, and the like light occasions, they grew to a licence of language, without the least respect of persons, of how venerable estimation soever; so they departed from all [k] order or regularity in debate; or rules and measures [l] in judging; the chief rulers amongst them first designing what they thought fit to be done, and the rest concluding any thing lawful, that they thought, in order to the doing and [m] compassing the same: in which neither laws nor customs could be admitted to signify any thing against their sense.

[h] thence] *Not in MS.*
[i] he] they
[j] begun] began
[k] all] any
[l] measures] measure
[m] and] or

BOOK IV.

1641.

I remember, about that time, in the providing money for the disbanding the armies, upon which they were marvellously solicitous, from the time that the king went towards the north, there arose a question, "Whether Wilmot, Ashburnham, and Pollard, should "receive their pay due to them upon their several "commands, lying under the charge of the plot, for "bringing up, and corrupting the army;" very many passionately alleging, "that such men ought not to "receive their pay, who had forfeited their trust:" yet there wanted not many who alleged, "that they "had the security of an act of parliament for their "payment, and that in justice it could not be de-"tained from them; that, though they lay under the "displeasure of the house, they were so far from a "judgment yet, [n] that there was not so much as a "charge against them, but that they were at liberty "under bail; and therefore they could not be said "to have forfeited any thing that was their own." In this debate the house seemed equally divided, till one, who well knew what he said, told them, "that "there could not be any reasonable pretence for de-"taining their due, as well for the reasons that had "been given, as, that they were absolutely pardoned "by the late act of oblivion, and pacification, be-"tween the two kingdoms:" the which was no sooner said, than many of those who were before inclined to the gentlemen, changed their opinions, and, without so much as calling to have the statute read, declared, "that they could have no benefit by that act "of parliament, because then, the same might be as "well applied to the archbishop of Canterbury." And

[n] they were so far from a judgment yet,] far from a judgment, yet there was so

so, without further weighing the law, or the reason, it was thought sufficient, not only to exclude them from that benefit, but to bar them from their money; lest they might be thought to be admitted to it for that reason, which might prove an advantage to another, to whom they had no inclination to be just. And no question, they had been overseen in the penning that statute; the words, in their true and genuine signification and extent, comprehending as well the archbishop of Canterbury, as those who at that time had no contempt of the security they reaped thereby.

Soon after the king went into Scotland, there being some motion "to adjourn the houses till after "Michaelmas," which seemed to be generally inclined to, very many of both houses being willing to refresh themselves, [o] after so long absence from their homes, (the summer being far spent, and the plague increasing; of which some members had died: and others were in danger, having been in infected houses,) and conceiving, that there was no more to be done till the return of the king, saving [p] only the procuring money to finish the disbanding; went into the country: and others, who staid in the town, were less solicitous to attend the public service; but betook themselves to those exercises and refreshments which were pleasanter to them: insomuch, as within twenty days after the king's remove, there were not above twenty lords, nor much above a hundred commoners, in both houses. But this was the advantage looked for; [q] those persons continuing (especially in the

[o] refresh themselves,] refresh themselves in the country.

[p] saving] save

[q] looked for;] they looked for;

BOOK IV. 1641.

house of commons) to whose care and managery the whole reformation was committed. They now entered upon the consultation of the highest matters, both in church and state; and made attempts and entries upon those regalities and foundations, which have been since more evident in wider and more notorious breaches.[r]

From the[s] liberty and success of advising what was fit to be done out of the kingdom,[t] with reference to the levies for France and Spain, they assumed the same freedom, of consulting and determining what was not fit, within the walls of the church; and finding their numbers to be so thin, that they might, by art or accident, prevail with the major part to be of their mind; and to gratify the more violent party of the reformers, (who, with great impatience, suffered themselves to be contained within any bounds or limits, by those who knew better how to conduct their business,) they entered upon debate of the Book of Common-Prayer, (which sure, at that time, was much reverenced throughout the kingdom,) and proposed, "in regard (they said) many "things in it gave offence, at least umbrage, to "tender consciences, that there might be liberty to "disuse it:" which proposition was so ungracious, that, though it was made in a thin house, and pressed by those who were of the greatest power and authority, it was so far from being consented to, that by the major part (the house consisting then of about six score) it was voted, "that it should be "duly[u] observed."

[r] notorious breaches.] *A portion here omitted from MS. C. will be found in the Appendix, A.*

[s] the liberty] this liberty

[t] out of the kingdom,] without the walls of the kingdom,

[u] duly] justly and duly

However, the next day, contrary to all rules and orders of parliament, very many being absent who had been active in that debate, they suspended that order; and resolved, "that the standing of the communion-table in all churches should be altered;" the rails (which in most places had been set up for the greater decency[x]) "should be pulled down; that "the chancels should be levelled, and made even "with all other parts of the church; and that no "man should presume to bow at the name of Jesus," (which was enjoined by a canon, and of long use[y] in the church;) and having digested these godly resolutions into an order, they carried it up to the lords for their concurrence; promising themselves, that, from the small number which remained there, they should find no dissent. But the major part of the lords being much scandalized, that the house of commons should not only unseasonably, and irregularly, interpose in a matter wherein[z] they had not the least jurisdiction; but should presume to disturb the peace of the church, and interrupt the settled and legal government thereof, by such schismatical presumption, not only refused to join with them, but, instead thereof, directed an order, formerly made by the house of peers, (on the sixteenth of January before,) to be printed, to this effect: "that "the divine service should be performed, as it is ap-"pointed by the acts of parliament of this realm; "and that all such as shall disturb that wholesome "order, shall be severely punished, according to "law;"[a] and acquainted the commons therewith:

[x] greater decency] more decency

[y] use] usage

[z] wherein] of which

[a] to law;] to the law:

BOOK IV. 1641.

who, nothing satisfied, pursued their former order; and, "commanding all the commons of England to "submit to their direction, declared, that the order "of the lords was made by the consent but of eleven "lords, and that nine other lords did dissent from "it; and, therefore, that no obedience should be "given thereunto." Whereas the order had been made in full parliament, seven months before; and was seasonably ordered to be published, by the major part present, upon that important occasion. And such an arraigning the house of peers, for publishing an order in maintenance of the laws established, by those who had no authority to declare what the law was, nor a jurisdiction over those who should infringe the law, was so transcendent a presumption, and breach of privilege, that there was great expectation what the lords would do in their own vindication.

An ordinance of both houses for a day of thanksgiving, on occasion of the pacification.

There was one clause in the act of pacification, "that there should be a public and solemn day of "thanksgiving, for the peace between the two king-"doms of England and Scotland:" but no day being appointed for that act of indevotion, the lords and commons assumed the power to themselves of directing it; and, to that purpose, made an ordinance, as they called it, "that it should be observed on the "seventh of September following, throughout the "kingdom of England and dominion of Wales." Which was done accordingly; the factious ministers in all pulpits taking occasion then to magnify the parliament, and the Scots; and to infuse as much malignity into the people, against those who were not of that faction, as their wit and malice could suggest; the house of commons celebrating that day

in the chapel at Lincoln's Inn; because the bishop of Lincoln, as dean of Westminster, had formed a prayer for that occasion, and enjoined it to be read on that day, in those churches where he had jurisdiction[b]; which they liked not: both as it was a form,[c] and formed by him; and so avoided coming there[d].

After the solemnization of that day, and their making[e] their declaration against the lords, about the order above mentioned, and the recommending some seditious, unconformable ministers, to be lecturers in churches about London, whom the incumbents[f] were compelled to receive: when they had great apprehension, by their members leaving them, that they should not have forty remaining, (less than which number could not constitute a house of commons,) they consented to a recess; and on the ninth day of September, 1641, they adjourned themselves till the twentieth day of October following: either house irregularly (for the like had never been before[g] practised) making a committee, to meet twice a week, and oftener, if they saw cause, during the recess, and to transact such business as they were authorized to do by their instructions.

Sept. 9, 1641, both houses adjourned to October 20, appointing a committee of each to sit during the recess.

The house of lords limited their committee (which consisted of the earls of Essex, Warwick, the lords Wharton, Kimbolton,[h] and twelve more; but every three were as able to transact as the whole number) by their instructions, "only to open the letters which

The powers of the committee of the house of lords:

[b] where he had jurisdiction] *Not in MS.*
[c] a form,] formed.
[d] coming there] *Not in MS.*
[e] their making] the making
[f] whom the incumbents] which the ministers
[g] been before] before been
[h] Kimbolton,] Mandeville,

BOOK IV. 1641.

"should come from the committee in Scotland, and "to return answers to them; with power to recall "that committee, when they thought fit; to send "down monies to the armies; and to assist about "their disbanding; and in removing the magazines "from Berwick and Carlisle."

Of the house of commons.

But the house of commons thought this power too narrow for their committee; and therefore against order too (for the power of the committees of both houses ought to have been equal) they qualified theirs (which consisted of Mr. Pym, Mr. Saint-John, Mr. Strode, sir Gilbert Gerrard, sir Henry Mildmay, sir Henry Vane, alderman Pennington, captain Venn, and others; every six having the authority of the whole) as well with the[i] powers granted to the lords, as likewise, "to go on in preparation of proceedings "against such delinquents, as were voted against,[k] or "complained of[l] in the house; and to receive any "offers of discovery[m] that they should make; to send "to all sheriffs, and justices of peace, upon informa- "tion of any riots, or tumults; to stir them up in "their[n] duty in repressing them; and to report to "their house any failing in obedience to their com- "mands;[o] to take the accounts of any accountants "to his majesty, in order to the preparation[p] of his "majesty's revenue; to consider of framing and "constituting a West India company; and to con- "sider the fishing, upon the coasts of England, Scot- "land, and Ireland;" and many other extravagant

[i] the] *Not in MS.*
[k] against,] *Not in MS.*
[l] of] against
[m] of discovery] *Not in MS.*
[n] in their] to their
[o] commands;] sending;
[p] preparation] preparations

particulars: which served[q] to magnify the authority of that committee; and to draw resort and reverence to them from almost all sorts of men. BOOK IV. 1641.

The houses being thus adjourned, the committee of the commons appointed Mr. Pym to sit in their chair; who, forthwith, with his own hand, signed the printed declarations before mentioned, of the ninth of September; and caused them to be so read in all churches in London, and throughout the countries.[r] Whereupon the seditious and factious persons caused the windows to be broken down in churches; broke down the rails, and removed the communion-table,[s] (which, in many places,[t] had stood in that manner ever since the reformation,) and committed many insolent and scandalous disorders. And when the minister, and the graver and more substantial sort of inhabitants, used any opposition, and resisted such their licence, they were immediately required to attend the committee; and, if they could be neither persuaded nor[u] threatened to submit, their attendance was continued from day to day, to their great charge and vexation. If any grave and learned minister refused to admit into his church a lecturer recommended by them, (and I am confident, there was not, from the beginning of this parliament, one orthodox or learned man recommended by them to any church in England,) he was presently required to attend upon the committee; and not discharged till the houses met again; and then likewise, if he escaped commitment, continued, to his

The business before the committee of the commons.

[q] which served] *Thus in MS.*: which neither of both houses had to do with, but served

[r] countries.] counties.

[s] communion-table,] table,

[t] places,] churches,

[u] nor] or

BOOK IV. 1641.

intolerable loss and trouble: few men having the patience to endure that oppression, against which they knew not whither to appeal; and therefore in the end submitted to what they could not resist; and so all pulpits were supplied with their seditious and schismatical preachers.

The armies disbanded.

The armies were at last disbanded: and, about the end of September, the earl of Holland, in great pomp, returned to his house at Kensington; where he was visited and caressed, with great application, by all the factious party: for he had now, whether upon the disobligation remembered before, of being denied the making a baron; or upon some information, of some sharp expressions used by the queen upon his letter; and the conscience of that letter: or the apprehensions of being questioned and prosecuted upon the enormities of his office of chief justice in eyre, and other transgressions, fully declared himself of their party. And that they might be the better prepared to keep up the prejudice to the king, and the keenness against the court, till the coming together of both houses; when they had reason to believe the observation of their crooked and indirect courses, and their visible, unwarrantable breaches, upon the church, and the religion established by law, would render men less devoted to them; his lordship furnished them with many informations of what had passed in the late army, which might be wrested to the king's disadvantage; told them whatsoever the king himself had said to him, when he looked upon him as a person true to him; and when, it is very probable, he was not much delighted with the proceedings at Westminster; and of all the particulars, which sir Jacob Ashley, and sir

John Comiers, had informed him, when they took him to be of entire trust with his majesty, and wholly under that consideration, (whereupon they were afterwards examined, and compelled to testify that in public, which they had before imparted to him in the greatest secrecy;) and added to all this, whatever information he had received by the lady Carlisle, of words or actions, spoken or done by the queen, which might increase their jealousy or malice[x] to her majesty. And he[y] himself (who had been always believed a creature of the queen's, and exceedingly obliged and protected by her immediate and single grace and favour, against the earl of Portland, the earl of Strafford, and the archbishop of Canterbury, in those times[z] when they had otherwise destroyed him) visited her majesty but once, from the time of his return out of the north, to the time of the king's return from Scotland, which was full six weeks. And yet, there were some men still at those private meetings at Kensington, who thought the queen's favour a likelier means for their preferment, than the interest of the others; and therefore always gave advertisement to her of what passed in that company: which information, for want of due care in the managery, and by reason of the unfaithfulness of her nearest servants, commonly produced somewhat, of which the other side made greater advantage, than she could do by the knowledge of their counsels and resolutions.[a]

[x] or malice] and malice

[y] he] *Not in MS.*

[z] times] high times

[a] resolutions.] *The account which immediately follows of the king's journey into Scotland is taken from MS. B. The relation of that visit, as given in MS. C. is inserted in the Appendix, B.*

BOOK IV. 1641.

The short recess of the parliament, though it was not much above the space of a month, was yet a great refreshment to those who had sat near a full year, mornings and afternoons, with little or no intermission; and in that warm region, where thunder and lightning was made. Some very unwarrantable proceedings, by the committee that sat during the recess, or Mr. Pym, who sat in the chair of that committee, and issued out those orders concerning the church, gave so much offence and scandal, that the members were like to meet together with more courage, and less inclinations to novelties, than they had parted with. But there were several accidents fell out, some from very little, and some from very great causes, which had[b] that influence upon the nature and spirit[c] of men, and upon the actions of that time, that, for the better understanding some particular passages, which will appear pertinent, it will be even necessary, briefly, and it shall be but very briefly, to mention some of those particulars.[d]

A small committee of both houses attended the king in Scotland.

When the king went into Scotland; for the better[e] preserving the correspondence between the two kingdoms, as was pretended; and to see all things performed, which were to be done in the parliament of Scotland, by the act of pacification; a small committee (as hath been before said[f]) was appointed by the two houses, consisting of one lord and two commons,[g] to attend (as the phrase was) upon his majesty: but, in truth, to be spies[h] upon him; and to

[b] which had] which, though they may not seem precisely pertinent to this present discourse, had

[c] spirit] spirits

[d] those particulars.] those, how foreign soever.

[e] for the better] the parliament, for the better

[f] as hath been before said] *Not in MS.*

[g] commons,] commoners,

[h] spies] a spy

give the same assistance to the parliament there, upon any emergent occasion, as the Scottish[i] commissioners had done here.

The person appointed by the lords, was the lord Howard of Escrick, a younger son of the house of Suffolk; who, in the time of the duke of Buckingham, married a niece of his; and having his whole dependence upon him, and being absolutely governed by him, was by him made a baron: but that dependence being at an end, his wife dead, and he without any virtue to promote himself, he withdrew himself from following the court, and, shortly after, from wishing it well; and had now delivered himself up, body and soul, to be disposed of by that party, which appeared most averse, and obnoxious, to the court and the government: and only in that confidence was designed to that employment; and to be entirely disposed and governed by the two members, who were joined with him by the house of commons, who were,[k] sir Philip Stapleton and Mr. Hambden.

For the lords, the lord Howard of Escrick.

For the commons, sir Philip Stapleton, Mr. Hambden.

The latter hath been mentioned before, as a man of great understanding and parts,[l] and of great sagacity[m] in discerning men's natures and manners; and he must, upon all occasions, still be mentioned, as a person of great dexterity and abilities, and equal to any trust or employment, good or bad, which he was inclined to undertake.

[i] Scottish] Scots

[k] who were,] and they were,

[l] understanding and parts,] parts of understanding,

[m] of great sagacity — bad,] *Thus in MS.*: of great dexterity in nature and manners; and he must upon all occasions still be mentioned as a person of great utility, and equal to any employment or trust, good or bad, &c.

BOOK IV.

1641.

The other, sir Philip Stapleton, was a proper man of a fair extraction; but, being a branch of a younger family, inherited but a moderate estate, about five hundred pounds a year,[n] in Yorkshire; and[o] according to the custom of that country, had[o] spent much time[p] in those delights which horses and dogs administer. Being returned to serve in parliament, he concurred with his neighbours, Hotham and Cholmondley; being much younger than they, and governed by them in the prosecution of the earl of Strafford; and so was easily received into the company and familiarity of that whole party which took that work to heart; and in a short time appeared a man of vigour in body and mind; and to be rather without good breeding, than not capable of it; and so he quickly outgrew his friends and countrymen in the confidence of those who governed: they looking[q] upon him, as worth the getting entirely to them; and not averse from being gotten; and so joined him with Mr. Hambden in this their first employment (and the first, that ever a parliament had of that kind) to be initiated under so great a master; whose instruction he was very capable of.

Transactions in Scotland, touching Montrose, Argyle, and Hamilton.

There had been, even from the time the Scottish[r] army came[s] into England, many factions and jealousies amongst the principal persons of that nation; but none so much taken notice of, as that between the two earls, of Montrose, and Argyle. The former took himself to have deserved as much as any man, in contributing more, and appearing

[n] a year,] the year,
[o] had] *Not in MS.*
[p] much time] his time
[q] they looking] and they looked
[r] Scottish] Scotch
[s] came] entered

sooner, in their first approach towards rebellion; as indeed he was a man of the best quality, who did so soon discover himself; and, it may be, he did it the sooner, in opposition to Argyle; who being then of the king's council, he doubted not, would be of his majesty's[t] party. The people looked upon them both, as young men of unlimited ambition; and used to say, "that they were like Cæsar and Pompey, the "one would endure no superior, and the other would "have no equal." True it is, that from the time that Argyle declared himself against the king (which was immediately after the first pacification) Montrose appeared with less vigour for the covenant; and had, by underhand and secret insinuations, made proffer of his service to the king. But now, after his majesty's arrival in Scotland, by the introduction of Mr. William Murray of the bedchamber, he came privately to the king; and informed him of many particulars, from the beginning of the rebellion; and, "that the marquis of Hamilton was no less faulty, "and false towards his majesty, than Argyle;" and offered "to make proof of all in the parliament;" but rather desired, "to have them both made away;"[u] which he frankly undertook to do; but the king, abhorring that expedient, though[x] for his own security, advised, "that the proofs might be prepared for "the parliament." When suddenly, on a Sunday morning, the city of Edinburgh was in arms; and Hamilton and Argyle both gone out of the town to their own houses; where they stood upon their guards; declaring publicly, "that they had with-

BOOK IV. 1641.

[t] majesty's] *Not in MS.*

[u] "to have them both made away;"] to kill them both;

[x] though] *Not in MS.*

BOOK IV. 1641.

" drawn themselves, because they knew that there " was a design to assassinate them; and chose ra- " ther to absent themselves, than by standing upon " their defence in Edinburgh (which they could well " have done) to hazard the public peace and [y] secu- " rity of the parliament; which thundered on their " behalf."

The committee at Edinburgh despatched away an express to London, with a dark and perplexed account, in the morning that the two lords had left the city; with many doubtful expressions, " what the " end of it would be;" not without some dark insinuations, as if the design might look farther than Scotland. And these letters were brought to London, the day before the houses were to come together, after the recess; all that party taking pains to persuade others, " that it could not but be a de- " sign to assassinate more men than those lords at " Edinburgh."

And the morning the houses were to meet, Mr. Hyde being walking in Westminster-hall, with the earl of Holland and the earl of Essex, both the earls seemed wonderfully concerned at it; [z] and to believe, " that other men were in danger of the like assaults:" the other not thinking the apprehension worthy of them, told them merrily, " that he knew well what " opinions they both had of those two lords, a year " or two before, and he wondered how they became " so altered:" to which they answered smiling, " that " the times and the court was much altered since." And the houses were no sooner sat, but the report being made in the house of commons, and the com-

[y] and] and the [z] at it;] in it;

mittee's letter from Scotland being read, a motion was made, "to send to the house of peers, that the "earl of Essex, who was left by the king, general on "this side Trent, might be desired to appoint such "a guard, as he thought competent for the security "of the parliament, constantly to attend while the "houses sat;" which was done accordingly; and continued, till they thought fit to have other guards. All which was done to amuse the people, as if the parliament were[a] in danger: when in Scotland all things were quickly pacified; and ended in creating the marquis Hamilton a duke, and Argyle a marquis.[b]

The earl of Essex appoints a guard for the security of the parliament.

There was a worse accident than all these, which fell out in the time of the king's stay in Scotland, and about the time of the two houses reconvening; which made a wonderful impression upon the minds of men; and proved of infinite disadvantage to the king's affairs, which were then recovering new life; and that was the rebellion in Ireland: which broke out about the middle of October, in all parts of the kingdom. Their design upon Dublin was miraculously discovered, the night before it was to be executed; and so the surprisal of that castle prevented; and the principal conspirators, who had the charge of it, apprehended. In the other parts of the kingdom they observed the time appointed, not hearing of the misfortunes of their friends at Dublin. A general insurrection of the Irish spread itself over the whole country, in such an inhuman and barbarous

News of the rebellion in Ireland.

[a] parliament were] parliament was

[b] Argyle a marquis.] *An account of the death of the earl of Rothes, and the effect it had upon the Scots, is here omitted: see Appendix, C.*

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manner, that there were forty or fifty thousand of the English protestants murdered, before they suspected themselves to be in any danger, or could provide for their defence, by drawing together into towns, or strong houses.

From Dublin, the lords justices, and council, despatched their letters by an express (the same man who had made the discovery, one Oconelly,[c] who had formerly been a servant to sir John Clotworthy) to London, to the earl of Leicester, then lord lieutenant of Ireland. From the parts of the north, and Ulster, an express was sent to the king himself, at Edinburgh; and the king's letters from thence, to the two houses, arrived within less than two days after the messenger from Dublin.

It was upon a Sunday night, that the letters from Dublin came to the earl of Leicester; who immediately caused the council to be summoned, and, as soon as it was met, informed them of the condition of Ireland; that is, so much as those letters contained: which were written, when little more was known than the discovery at Dublin; and what the conspirators had confessed upon their examinations. The house of peers had then adjourned itself to the Wednesday following; but the house of commons were to meet on the next day, Monday morning; and the council resolved, "that they would in a body "go to the house of commons, as soon as it sat, "and inform them of it;" which they did; notice being first given to the house, "that the lords of the "council had some matters of importance to impart "to them, and were above in the painted chamber

The lords of the council acquaint the house of commons with the news, the house of lords not sitting.

[c] Oconelly.] O'Conelly.

"ready to come to them:" whereupon chairs were set in the house for them to repose themselves, and the sergeant sent to conduct them. As soon as they entered the house, the speaker desired them to sit down; and then being covered, Littleton, lord keeper, told the speaker, "that the lord lieutenant of "Ireland, having received letters from the lords jus- "tices and council there, had communicated them "to the council; and since the house of peers was "not then sitting, they had thought fit, for the im- "portance of the letters, to impart them to that "house;" and so referred the business to the lord lieutenant; who, without any enlargement, only read the letters he had received, and so the lords departed from the house.

There was a deep silence in the house, and a kind of consternation: most men's heads having been intoxicated, from their first meeting in parliament, with imaginations of plots, and treasonable designs, through the three kingdoms. The affair itself seemed to be out of their cognizance; and the communication of it served only to prepare their thoughts, what to do when more should be known; and when they should hear what the king thought fit to be done. And when the king's letters arrived, they were glad the news had come to him, when he had so good council about him to advise him what to do.

The king was not then informed of what had been discovered at Dublin: but the letters out of Ulster (which he sent to the parliament) gave him notice "of a[d] general insurrection in the north; and of the "inhuman murders committed there, upon a mul-

[d] of a] of the

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"titude of the protestants; and that sir Phelim "O'Neil appeared as the general and commander "in chief."

His majesty writes to the two houses about it.

Upon which his majesty writ to the two houses, "that he was satisfied that it was no rash insurrec- "tion, but a formed rebellion; which must be pro- "secuted with a sharp war; the conducting and "prosecuting whereof he wholly committed to their "care and wisdom, and depended upon them for the "carrying it on; and that for the present he had "caused a strong regiment of fifteen hundred foot, "under good officers, to be transported out of Scot- "land into Ulster, for the relief of those parts;" which were upon the matter wholly inhabited by Scots and Irish; there being fewer English there[e], than in any part of Ireland.

This fell out to their wish; and thereupon they made a committee of both houses, "for the conside- "ration of the affairs of Ireland, and providing for "the supply of men, arms, and money, for the sup- "pressing that rebellion;" the lord lieutenant of Ireland being one of the committee, which sat every morning in the painted chamber; and the lord lieutenant first communicated all the letters he received, to them to be consulted on, and to be thence reported to the two houses; which were hereby possessed of a large power[f] and dependence; all men applying themselves to them, that is, to the chief leaders, for their preferments in that war: the mischief whereof, though in the beginning little taken notice of, was afterwards felt by the king very sensibly.

These concurrent circumstances much altered and

[e] there] *Not in MS.* [f] large power] huge power

suppressed that good humour and spirit the houses were well disposed to meet in;[g] and the angry men, who were disappointed of the preferments they expected, and had promised themselves, took all occasions, by their emissaries, to insinuate into the minds of the people, "that this rebellion in Ireland was "contrived and[h] fomented by the king, or, at least, "by the queen, for the advancement of popery; and "that the rebels published and declared, that they "had the king's authority for all they did;" which calumny, though without the least shadow or colour of truth, made more impression upon the minds of sober and moderate men (who till that time[i] had much disliked the passionate proceedings of the parliament) than could be then imagined, or can yet be believed. So great a prejudice, or want of reverence, was universally contracted against the court, especially the queen,[k] whose power and activity was thought too great.

A committee revived for drawing up a remonstrance.

Shortly after the beginning of the parliament, there had been a committee appointed, "to prepare "and draw up a general remonstrance of the state "of the kingdom, and the particular grievances it "had sustained;" but it scarce met,[l] or was ever after spoken of.[m] But now, the houses no sooner met after their recess, than Mr. Strode (one of the fiercest men of the party, and of the party only for his fierceness) moved, "that that committee might "be revived, and ordered to meet;" for which, of course, a time and place was appointed: by which

[g] meet in;] meet with;
[h] and] or
[i] (who till that time] and who till then
[k] especially the queen,] especially towards the queen,
[l] scarce met,] scarce ever met,
[m] spoken of.] mentioned.

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men easily discerned, that nothing of their fury was abated, but rather increased,[n] in that they found their credit every day lessened in the house, by the opposition and contradiction they sustained. And they[o] being thus disquieted; and knowing little; and so doubting much; every day seemed to them to produce[p] a new discovery, of some new treason and plot against the kingdom. One day, "a letter "from beyond seas, of great forces prepared to in- "vade England;" another,[q] "of some attempt upon "the life of Mr. Pym;" and no occasion omitted to speak of the evil council about the king; when scarce a counsellor durst come near him, or be suspected to hear from him.[r]

A new bill in the house of commons to take away bishops' votes.

After some days, a new bill was presented to the house of commons, "for the taking away the bishops' "votes in parliament; and for disabling them to "exercise any temporal office in the kingdom:" against which was objected, "that it was contrary "to the course and order of parliament, that any bill "that had been rejected should be again preferred "the same session; and therefore it[s] ought not to "be so much as read:" to which nothing was replied but noise; and "that this bill varied in some

[n] but rather increased,] and the less,

[o] And they] Men

[p] seemed to them to produce] produced

[q] another, "of] then,

[r] from him.] *MS. adds:* then an order must be framed to the marquis of Hertford, (governor to the prince,) to require him to take all care of his highness' person, and a motion that the king might be desired to make no privy-counsellor but such as the two houses might approve of, and many other such extravagancies, which, though they seemed then but the murmurings of inconsiderable persons, were artificially vented to try the pulse of the house, and whether they were sufficiently inflamed with the new discoveries.

[s] therefore it] therefore that it

"clauses from the former; and that the good of the "kingdom absolutely depended upon it:" and so, by majority of voices, it was ordered to be read; and afterwards, without any very considerable[t] opposition, passed the house, and was transmitted to the lords: the greatest argument being, "that their intermed-"dling with temporal affairs was inconsistent with, "and destructive to, the exercise of their spiritual "function." Whilst their reformation, both in Scotland and this kingdom, was driven on by no men so much as those of their[u] clergy, who were their instruments. As, without doubt, the archbishop of Canterbury had never so great an influence upon the counsels at court, as Dr. Burgess and Mr. Marshall had then upon the houses; neither did all the bishops of Scotland together so much meddle in temporal affairs, as Mr. Henderson had done.

The king fills up divers vacant bishoprics in England.

There being at this time the bishoprics of Worcester, Lincoln, Exeter, Chichester, and Bristol, void by death, or translation; the king, during the time of his being in Scotland, collated to those sees, Dr. Prideaux, the king's[v] professor of divinity in Oxford; Dr. Winniff, dean of St. Paul's; Dr. Brownerigg, master of Catharine-hall in Cambridge; Dr. Henry King, dean of Litchfield; and Dr. Westfield, of Great St. Bartholomew's, London; all of great eminency in the church; frequent preachers; and not a man, to whom the faults of the then governing clergy were imputed, or against whom the least objection could be made.

The commons offended at it.

As soon as the house of commons heard of this designation of his majesty's, (having then newly the se-

[t] very considerable] equal
[u] their] the
[v] king's] regius

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cond time sent up to the house of peers their bill to remove bishops from thence,) they were much troubled, that, at a time when they resolved to take away the old, the king should presume to make new bishops; and to [x] create so many voices to assist [y] the other; and therefore they urged [z] very earnestly, "that the lords might be moved to join with them, "in sending to the king, to make no new bishops "till the controversy should be ended about the go- "vernment of the church:" which appeared so unreasonable, that the wisest of them who wished it, apprehended no possibility, that the lords would join with them; or, if they did, that the king would be prevailed with. However, being glad to find their companions had so much mettle, after a long debate, the major part carried it, "that a committee should "be appointed to draw up reasons to give the lords, "to concur with them in that desire to the king:" but, after that, moved that stone no further.

In all debates of this nature, where the law, reason, and common sense, were directly [a] opposite to what they proposed, they suffered those who differed from them in opinion, and purposes, to say what they thought fit in opposition; and then, without vouchsafing to endeavour their satisfaction, called importunately for the question; well knowing that they had a plurality of voices to concur with them, in whatsoever they desired. I remember, in this last business, when it was voted that a committee should be named to draw up reasons, [b] many of those who had during the debate positively argued against the

[x] to] *Not in MS.*
[y] to assist] to oppose
[z] urged] moved
[a] directly] in a diameter
[b] reasons,] *MS. adds:* the committee being to be named,

thing, were called upon to be of that committee; and, amongst them,[c] the lord Falkland, and Mr. Hyde, who stood up, and "desired to be excused "from[d] that service, where they could be of no use; "having given so many reasons against it, that they "could not apprehend any could be given for it; "therefore thought[e] the work would be better done, "if those, who had satisfied themselves with the rea- "sonableness of what they wished, would undertake "the converting and disposing of other men." There was a gentleman who sat by, (Mr. Bond of Dorchester; very severe, and resolved, against the church and the court,) who,[f] with much passion and trouble of mind, said to them, "For God's sake be of the com- "mittee; you know none of our side can give rea- "sons;" which made those that overheard him smile, though he spoke[g] it suddenly, and upon observation that the[h] leaders were not then in the house. Otherwise, it cannot be denied, those who conducted them, and were the contrivers of the mischief, were men of great parts, and unspeakable industry; and their silence in some debates proceeded partly from pride, that it might appear their reputation and interest had an influence upon the sense of the house, against any rhetoric or logic: but principally from the policy they were obliged to use; for though they could have given a pregnant reason for the most extravagant overture they ever made, and evinced it, that it was the proper way to their end; yet, it not being time[i] to discover their purposes,

[c] them,] these,
[d] from] in
[e] thought] they thought
[f] who,] *Not in MS.*
[g] spoke] spake
[h] the] their
[i] yet, it not being time] but it being not yet time

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(how apparent soever they were to discerning men,) they were necessarily to give no reasons at all; or such as were not [k] the true ones.

This stratagem failing, of stopping the creation of the new bishops, they endeavour by all means to hasten the house of peers to despatch the work before them, before they should be qualified (their elections, confirmations, and consecrations, and other ceremonies, spending much time) to increase the number of the opposers; and for the better doing thereof, with great confidence, they demand of the lords, "that no "recusant lord, or any [l] bishop, might have a vote "in the passing that act: the last being parties; "and the other not supposed competent judges on "the behalf of the kingdom." But, when they found that logic could not prevail, (the demand being indeed so scandalous, that the house of peers, if they had not been fatally misled, [m] must have resented it as a high presumption, and insolent breach of privilege,) with more formality and colour, though as unreasonably, they pressed, "that those thirteen bi- "shops, whom they had before impeached, for mak- "ing the late canons; and upon whom their lord- "ships themselves had passed severe [n] votes," (such indeed [o] as were fitter for accusers than judges, unparliamentary and unprecedented,) "might be se- "questered from the house, till they should be "brought to judgment." And for this, [p] they found lawyers in their house, who, prostituting the dignity and learning of their profession, to the cheap and

[k] not] not in truth
[l] any] *Not in MS.*
[m] misled,] sotted,
[n] severe] notable
[o] indeed] in truth
[p] And for this,] And for this without any shame,

vile affectation of popular applause, were not ashamed to aver custom and law for their senseless proposition. But the house of peers was not yet deluded enough, or terrified, (though too many amongst them paid an implicit devotion to the house of commons,) to comply in this unreasonable demand.

The animosities at that time between some great lawyers and some churchmen produced great mischiefs.

And here I cannot but with grief and wonder remember the virulency and animosity expressed at that time,[q] upon all occasions, by[r] many of good knowledge in the excellent and wise profession of the common law, towards the church and churchmen; taking all opportunities, uncharitably, to improve mistakes into crimes; and, unreasonably, to transfer and impute the follies and faults of particular men,[s] to the malignity of their order and function; and so whet[t] and sharpen the edge of the law, to wound the church in its jurisdiction; and at last to cut it up by the roots, and demolish its foundation. It cannot be denied, that the peevish[u] spirits of some clergymen have taken great pains to alienate[x] that profession from[y] them; and others as unskilfully (finding that in former times, when the religion of the state was a vital part of its policy, many churchmen were employed eminently in the civil government of the kingdom) imputed their wanting those ornaments their predecessors wore, to the power and prevalency of the lawyers; of whom, some principal men,[z] in all times, they could not but observe to

[q] at that time,] *Not in MS.*

[r] by] from

[s] particular men,] particular men (swollen with ambition or corrupted with avarice)

[t] whet] would whet

[u] peevish] peevish and petulant

[x] alienate] irreconcile

[y] from] to

[z] of whom, some principal men,] some principal men whereof,

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have been their avowed enemies:[a] and so believed the straitening and confining the profession of the common law,[b] must naturally extend and enlarge the jurisdiction of the church.[c] Thence arose[d] their bold and unwarrantable opposing and protesting against prohibitions, and other proceedings[e] at law, on the behalf of ecclesiastical courts; and the[f] procuring some orders and privileges from the king, on the behalf of the civil law;[g] even with an exclusion of the other: as the archbishop of Canterbury prevailed with the king to direct, "that half the masters "of the chancery should be always civil lawyers;" and to declare, "that no others, of what condition "soever, should serve him as masters of request."[h] All which[i] was a great mistake: for, besides the stopping prohibitions was an envious breach upon the justice of the kingdom; which, at some time or other, will still be too hard for the strongest opposers and oppressors of it: I could never yet know, why the doctors of the civil laws were more of kin to the bishops, or the church, than the common lawyers were. To say that their places were in the bishops'[k] disposal, as chancellors, commissaries, and the like; and, therefore, that their persons were more like to be at their disposal too, at least, to pay them greater reverence, concludes nothing: for the clergy had[l] opportunity enough[m] to oblige and create an equal

[a] observe to have been their avowed enemies:] remember as avowed enemies of the church:
[b] the profession of the common law,] their profession
[c] the jurisdiction of the church.] their own jurisdictions.
[d] arose] proceeded
[e] proceedings] proceeding
[f] the] *Not in MS.*
[g] the civil law;] that faculty;
[h] masters of request."] master of requests.
[i] All which] Which
[k] the bishops'] their
[l] the clergy had] they had all
[m] enough] enough, and I think equal

dependence from the profession of the common law; [n] and I am persuaded, the stewardships to bishops, and of the lands of the church, which were to be managed by the rules of the common law, were not much inferior in profit to all the chancellorships in England. [o] And then, if, where the policy may consist with justice, it is no ill measure in making friendships, to look into, and compare, the power of doing hurt, or doing good; it is apparent, that the civil law in this kingdom had not, in the least degree, the ability to help or to hurt the church, in any exigency, as the common law had; whose professors had always, by their interests, experience, and reputation, so great an influence upon the civil state, upon court and country, that they were notable friends or enemies. And the dependence of the church, as to their inheritance and estates, (except their minute tithes,) was entirely upon the law; being only determinable by those rules, by which they have seldom received eminent injustice. [o] And truly,

[n] an equal dependence from the profession of the common law;] a dependence from the other profession;

[o] And then, if,—eminent injustice.] *Thus in MS.:* And for their affection and respect to their patrons, I believe, experience hath now manifested, that though many of the common lawyers have much indiscretion, injustice, and malice to repent of towards the church, the professors of the civil law have not been less active, to their skill and power, in the unnatural destruction of their mother; and then, where their policy may consist with justice, it will be no ill measure in making friendship, to look into the power of doing hurt and doing good, as well as into the faculty of judging; and it was apparent, that the civil law in this kingdom could neither help or hurt the church in any exigent, it being neither of reputation enough to advance it, or power to oppress it; whereas the professors of the other had always, by their interests, experience, abilities, and reputation, so great an influence upon the civil state, upon court and country, that they were notable friends or enemies; and then the dependence of the church was entirely upon that law, all

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I have never yet spoken with one clergyman, who hath had the experience of both litigations, that hath not ingenuously confessed, "he had rather, in the "respect of his trouble, charge, and satisfaction to "his understanding, have three suits depending in "Westminster-hall, than one in the arches, or any "ecclesiastical court."

The particulars above mentioned were, I confess, to vulgar minds, great provocations and temptations to revenge; and, therefore, I do not at all wonder, that, in the great herd of the common lawyers, many pragmatical spirits, whose thoughts and observations have been contracted to the narrow limits of the few books of that profession, or within the narrower circle of the bar-oratory, should go along with the stream, [p] in the womanish art of inveighing against persons, when they should be reforming things: and that some, by degrees, having found the benefit of being of that opinion, (for we all remember, when papist and puritan lawyers got more money than their neighbours, for the private opinions they were of; not what they delivered in public,) [q] grew, at last, to have fits of conscience in earnest; and to believe, that a parity in the church was necessary to religion, and not like to produce a parity in the state; of which doctrine, if they had been then suspected, they would quickly have been ashamed of such divinity.[r]

their inheritance and estates (except their minute tithes) being only determinable by those rules; and by which they have seldom received eminent injustice.

[p] go along with the stream,] side with the others,

[q] for the private opinions they were of; not what they delivered in public,)] for the opinions they had; not which they delivered,

[r] of which doctrine, if they had been then suspected, they would quickly have been ashamed of such divinity.] the

But, that learned and unbiassed (I mean unprovoked) men, in that science of our law,[s] who knew the frame and constitution of the kingdom, and that the bishops were no less the representative body of the clergy, than the house of commons was of the people; and, consequently, that the depriving them of voice in parliament, was a violence, and removing landmarks, and not a shaking (which might settle again) but dissolving foundations; which must leave the building unsafe for habitation: that such men,[t] who knew the ecclesiastical and civil state was so wrought and interwoven together, and, in truth, so incorporated in each other, that the one could not long continue in prosperity without the other;[u] and that the professors of the law were never at so great a height, as even in this time that they so unjustly envied the greatness of the church: and, lastly, that they,[x] who might well know, that the great and unwieldy body of the clergy, consisting of such different tempers, humours, inclinations, and abilities, and which inevitably will have so strong an influence upon the nature[y] and affections of the people, could never be regulated and governed by any magistrates, but of themselves; nor by any rules, but of such power as[z] the bishops exercised; whom (besides all arguments of piety, and submission to antiquity) the[a] experience of the blessed times[b] since the reforma-

suspicion of which would have quickly wrought upon their divinity.

[s] of our law,] *Not in MS.*

[t] that such men,] *Not in MS.*

[u] that the one could not long continue in prosperity without the other;] that like Hippocrates' twins, they cannot but laugh and cry together;

[x] that they,] *Not in MS.*

[y] nature] natures

[z] of such power as] such of power which

[a] the] *Not in MS.*

[b] the blessed times] that blessed time

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tion, not to be paralleled in any nation under heaven, declared to be the most happy managers of that power, whatsoever rankness and excrescence might have proceeded[c] from some branches: I say, that these knowing and discerning men (for such I must confess there have been) should believe it possible for them to flourish, or[d] that the law itself would have the same respect and veneration from the people, when the well disposed fabric of the church should be rent asunder, (which, without their activity and skill in confusion, could never have been compassed,) hath been to me an instance of the Divine anger against the pride of both, in suffering them to be the fatal engines of breaking[e] one another: whereas neither could have been[f] oppressed by any other strength or power but[g] their own.

And I cannot but say, to the professors of that great and admirable mystery, the common[h] law, (upon which no man looks with more affection, reverence, and submission,) who seem now, by the fury and iniquity of the time, to stand upon the ground they have won, and to be masters of the field; and, it may be, wear some of the trophies and spoils they have ravished from the oppressed; that they have yet but sharpened weapons for others to wound them;[i] and that their own arguments and[k] eloquence may[l] be, one time or other,[m] applied to their own destruction. And, therefore, if they have either piety to re-

[c] whatsoever rankness and excrescence might have proceeded] what rankness and excrescence had proceeded
[d] or] and
[e] of breaking] to break
[f] whereas neither could have been] which could very hardly have been
[g] but] than
[h] common] *Not in MS.*
[i] them;] themselves;
[k] arguments and] *Not in MS.*
[l] may] shall
[m] one time or other,] *Not in MS.*

pent and redeem the ill that they have wrought, or policy to preserve their own condition from contempt, and themselves from being slaves to the most abject of the people, they will at length [n] wind up the church and the law into one and the same interest; [o] and, by a firm [p] and steady pursuit, endeavour to fix both on the same foundation, [q] from whence they have been so violently disturbed. [r]

By this time the king was as weary of Scotland, as he had been impatient to go thither; finding all things proposed to him, as to a vanquished person, without consideration of his honour, or his [s] interest; and having not one counsellor about him, but the duke of Lenox, (who from the beginning carried himself by the most exact rules of honour, gratitude, and fidelity to him,) and very few followers, who had either affection to his person, or respect to [t] his honour.

That which should have been an act of oblivion, was made a defence and justification of whatsoever they had done: their first tumults, and erecting their tables in opposition to, [u] and at last suppressing, both courts of justice and session; and the acts and orders of those tables, declared to be "the effects of their "duty to his majesty; and according to the law of the "land:" and so all those, who according to their allegiance had opposed and resisted them on the behalf of his majesty, and were [x] qualified by his ma-

[n] at length] *Not in MS.*

[o] into one and the same interest;] into one bottom;

[p] firm] firm combination

[q] on the same foundation,] to the pinnacle,

[r] disturbed.] ravished. — *The continuation of this part of MS. C. will be found in the Appendix, D.*

[s] his] *Not in MS.*

[t] to] of

[u] to,] *Not in MS.*

[x] were] *Not in MS.*

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jesty's commissions, were[y] adjudged criminal; and the only persons excepted from pardon, and exempted from the benefit of that oblivion.

The seditious acts of that[z] assembly, which had expelled all bishops, and the canonical clergy, from being members of that assembly; and affirmed[a] themselves to have a power "to inflict the censures "of the church upon his majesty himself;" were declared "to be lawful, and according to the constitu- "tion of the kingdom; and the government of the "church by archbishops and bishops, declared to be "against the word of God; and they condemned as "enemies[b] to the propagation of the true reformed "protestant religion; and therefore to be utterly "abolished; and their lands given to the king, his "heirs, and successors."

In consideration of the king's necessary absence from that his native kingdom, it was thought fit, "that "the full and absolute government thereof should be "committed to the lords of the secret council; who "were likewise made conservators of the peace of "the two kingdoms, during the intervals of parlia- "ments;" and those lords and conservators "were "then, and still, to be named by parliament, which "was once in three years to assemble upon a day "certain, without any summons from the king, if he "neglected to publish such summons; and, upon the "same reason, all great officers, as chancellor, trea- "surer, secretary, and the rest, nominated by parlia- "ment; and in the interval by the lords of the se-

[y] were] *Not in MS.*
[z] that] the
[a] affirmed] declared
[b] they condemned as enemies] an enemy

"cret council;" without so much as being concerned to have [c] his majesty's approbation.

All which acts, and whatsoever else they were pleased to present to him, concerning church or state, the king confirmed; and thereby made the lord Lowden, who had been the principal manager of the rebellion, chancellor of Scotland; and created him likewise an earl; and conferred the other great offices, as he was directed: then he made the earl of Argyle (for he was still trusted with conferring of honours) marquis; their great general, Lesley, earl of Leven; and their lieutenant-general, earl of Calendar; and conferred other honours on persons [d], according to the capacity and ability they had [e] in doing him mischief: and, lastly, (leaving all his own party barely [f] to live, for he had procured a pardon for them from the parliament, upon condition "they came not near the king's presence; nor [g] "received any benefit from him, without their ap-"probation,") his majesty [h] gave all the lands of the church, which had been devolved to him by its [i] ruin, and whatsoever he had else to give, in that kingdom, to those who had discovered it not to be in good hands before: so that he seemed to have made that progress into Scotland, only that he might make a perfect deed of gift of that kingdom; which he could never have done, so absolutely, without going thither. And so, having nothing more to do there, he begun [k] his journey towards England about the middle of November.

[c] concerned to have] concerned in
[d] on persons] *Not in MS.*
[e] they had] they had had
[f] barely] *Not in MS.*
[g] nor] or
[h] his majesty] he
[i] its] their
[k] begun] began

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It is not to be doubted, in consideration of those extravagant concessions, they made as extravagant promises to the king; that, by their loyal and dutiful comportment, his majesty should find no diminution of his power; that he should have the entire obedience of that nation, to preserve his full rights and regalities in England; and to reduce Ireland: the earl of Leven telling him, (as marquis Hamilton assured me, in his hearing,) "that he would not "only never more serve against him, but that when-"ever his majesty would require his service, he "should have it, without ever asking what the "cause was:" and many of them whispering in his ear, and assuring him, "that as soon as the troubles "of the late storm could be perfectly calmed, they "would reverse and repeal whatsoever was now un-"reasonably extorted from him." And his majesty having never received any considerable [l] profit from Scotland, [m] cared the less for what he parted with there: and, it may be, being resolved they should be no more charge to him in his court here [n], (for surely he had then very hard thoughts of a great part of the nation,) [o] he believed he should save more in this kingdom, than he had given in that; and he made no doubt, [p] but that they were so full fed now, that they would not stir from home again, till the temper and affection of his people here should be better disposed for their reception.

But his majesty never considered, or not soon

[l] considerable] *Not in MS.*

[m] Scotland,] *MS. adds:* or other benefit than the reputation of a kingdom in his title,

[n] here] *Not in MS.*

[o] (for surely he had then very hard thoughts of a great part of the nation,)] (for sure he was then perfectly irreconciled to the whole nation,)

[p] doubt,] scruple,

enough, that they could not reasonably hope to keep what they had so ill got, but by the same arts by which they were such gainers; and there cannot be a surer evidence of the continuance of an enemy, than [q] the having received injuries from him, of a nature that do not use to be forgiven. Neither did he sufficiently weigh the unspeakable encouragement, and, in some particulars, the reasonable pretence the factious party here would have, from the prosperous wickedness of those there. And, it is certain, their number from thenceforth [r] increased wonderfully; the enemies of the church presuming their work was more than half done, when the king himself had declared, (for his consent to that act they would easily make appear to be such,) "that "the government by archbishops, and bishops, was "against the word of God, and the propagation of "religion." Many concluding the king would at last yield to any thing, put themselves in company of the boldest and most positive askers; and some, who in their hearts abhorred what the Scots had done, yet disdaining to be overwitted by them; and that they should get more for themselves, and receive a greater argument of the king's trust, than we of this nation; out of pure malice to them, resolved to do the same things with them; and so joined and concurred in any exorbitancies. All which the king too late discovered, by the entertainment he received upon his return.

About the time the news came [s] of the king's be-

[q] than] as

[r] thenceforth] thence

[s] About the time the news came &c.] *The ensuing account of the remonstrance is taken from MS. B.: a more summary account, from MS. C. will be found in the Appendix, E*

BOOK IV.

1641.

The committee for the remonstrance make their report in the house of commons.

ginning[t] his journey from Scotland upon a day appointed; and that he had settled all things in that kingdom to the general satisfaction; the committee for preparing the remonstrance offered their report to the house; which caused the draught they offered to be read. It contained a very bitter representation of all the illegal things which had been done, from the first hour of the king's coming to the crown, to that minute; with all the[u] sharp reflections which could be made, upon the king himself, the queen, and council; and published all the unreasonable jealousies of the present government, of the introducing popery; and all other particulars, that[x] might disturb the minds of the people; which were enough discomposed.

The house seemed generally to dislike it; many saying, "that it was very unnecessary, and unsea- "sonable: unnecessary, all those grievances being "already fully redressed; and the liberty and pro- "perty of the subject being as well secured for the "future, as could[y] possibly be done: and unseason- "able,[z] after the king had gratified them, with "granting every thing which they had desired of "him; and after so long absence, in the settling "the disorders in another kingdom, which he had "happily composed; to be now welcomed home "with such a volume of reproaches, for what others "had done amiss, and which he himself had re- "formed." Notwithstanding all which, all the other party appeared passionately concerned that it might not be rejected; and enlarged themselves with as

[t] beginning] being to begin
[u] the] those
[x] that] which
[y] could] can
[z] and unseasonable,] and then that it was very unseasonable,

high expressions against the government, as at first; with many insinuations, "that we were in danger "of being deprived of all the good acts which we "had gained, if great care and vigilance were [a] not "used, to disappoint some counsels which were "still entertained;" making some [b] doubtful glances and reflections upon the rebellion in Ireland, (with which they perceived many good men were easily amused,) and in the end prevailed, "that a day "should be appointed, when the house should be "resolved into a committee of the whole house, [c] "and the remonstrance to be then retaken into con- "sideration:" and in the mean time they employed all their credit and interest with particular men, to persuade them, "that the passing that remonstrance "was most necessary, for the preservation and "maintenance of all those good laws which they "had already made;" giving several reasons to several persons, according to their natures and inclinations; assuring many, "that they intended it "only for the mortification of the court, and mani- "festation that that malignant party, which ap- "peared to be growing up in the house, could not "prevail;" and then "that it should remain still in "the clerk's hands, and never be published."

And by these, and the like arts, they promised themselves, that they should easily carry it: so that the day it was to be resumed, they entertained the house all the morning with other debates, and towards noon called for the remonstrance; and it being urged by some, "that it was too late to enter "upon it, with much difficulty they consented, that

[a] were] was

[b] some] *Not in MS.*

[c] a committee of the whole house,] a grand committee,

BOOK IV. 1641.

"it should be entered upon the next morning at "nine of the clock; and every clause should be de- "bated, the speaker in the chair;" for they would not have the house resolved into a committee, which they believed would spend too much time. Oliver Cromwell (who, at that time, was little taken notice of) asked the lord Falkland, "Why he would have "it put off, for that day would quickly have deter- "mined it?" He answered, "There would not "have been time enough, for sure it would take "some debate." The other replied, "A very sorry "one:" they supposing, by the computation they had made, that very few would oppose it.

But he quickly found he was mistaken: for the next morning, the debate being entered upon about nine of the clock,[d] it continued all that day; and candles being called for when it grew dark, (neither side being very desirous to adjourn it till the next day; though it was evident, very many withdrew themselves out of pure faintness and disability to attend the conclusion,) the debate continued, till it was after[e] twelve of the clock, with much passion; and the house being then divided, upon the passing or not passing it, it was carried for the affirmative, by nine voices, and no more: and as soon as it was declared, Mr. Hambden moved, "that there might "be an order entered for the present printing it;" which produced a sharper debate than the former. It appeared then, that they did not intend to send it up to the house of peers for their concurrence; but that it was upon the matter an appeal to the people; and to infuse jealousies into their minds. It

It was carried by nine voices.

[d] nine of the clock,] nine of the clock in the morning,

[e] till it was after] till after it was

had seldom[f] been the custom to publish any debates, or determinations of the house, which were[g] not regularly first transmitted to the house of peers; nor was it thought, in truth, that the house had authority to give warrant for the printing of any thing; all which was offered by Mr. Hyde, with some warmth, as soon as the motion was made for the printing it: and he said, "he believed[h] the "printing it in that manner was not lawful; and "he feared it would produce mischievous effects; "and therefore desired the leave of the house, that "if the question should be put, and be[i] carried in "the affirmative, that he might have liberty to "enter his protestation;" which he no sooner said, than Jeffery Palmer (a man of great reputation, and much esteemed in the house) stood up, and made the same motion for himself, "that he might like-"wise protest." Many[k] afterwards, without distinction, and in some disorder, cried out together[l], "They did protest:" so that there was after scarce any quiet and regular debate. But the house by degrees being quieted, they all consented, about two of the clock in the morning, to adjourn till two of the clock the next afternoon. And as they went out of the house, the lord Falkland asked Oliver Cromwell, "whether there had been a debate?" to which he answered, "he would[m] take his word an-"other time;" and whispered him in the ear, with some asseveration, "that if the remonstrance had "been rejected, he would have sold all he had the

[f] seldom] never
[g] were] was
[h] believed] did believe
[i] be] *Not in MS.*
[k] Many] When immediately together many
[l] together] *Not in MS.*
[m] "he would] that he would

BOOK IV. 1641.

"next morning, and never have seen England "more; and he knew there were many other ho- "nest men of the same resolution." So near was the poor kingdom at that time to its deliverance.

However[n] they got this victory, they did not in a long time recover the spirits they lost, and the agony they had sustained, whilst it was in suspense and they discerned well enough, that the house had not, at that time, half its members present[o]; though they had provided, that not a man of their party was absent; and that they had even[p] carried it by the hour of the night, which drove away a greater number of old and infirm opposers, than would have made those of the negative superior in number: so that they had little hope, in a fuller house, to prevail in any of their unjust designs, except they found some other expedient, by hopes or fears, to work upon the affections of the several members.

In order to which, they spent most part of the next day in their private consultations, how to chastise some of those who offended[q] them the day before; and resolved in the first place, not to suffer that precedent to be introduced into the house, "that men should protest against the sense of the "house:" which, it is true, had not been used in the house of commons. This[r] subject was the more grateful to them, because they should heartily[s] take revenge upon Mr. Hyde, whom they perfectly hated;[t] and to whose activity they imputed the trouble they had sustained the day before; and he was the first

[n] However] And however
[o] present] *Not in MS.*
[p] even] even then
[q] who offended] who most offended
[r] This] And this
[s] heartily] hereby
[t] hated;] hated above any man;

who made the protestation, that is, asked leave to do it; which produced the other subsequent clamour, that was indeed in some disorder. But here they differed amongst themselves; all the leading violent men, who bore the greatest sway, were most glad of the occasion, as it gave them opportunity to be rid of Mr. Hyde, which they passionately desired: but sir John Hotham, Cholmondley, and Stapleton (who never severed, and had a numerous train attending[u] their motions) remembered the service Mr. Hyde had done against the court of York, (the overthrowing whereof was their peculiar glory,) and would not consent that they should question him; but were ready to concur with them in the prosecution of any other of the protesters; whereof there was number enough. This made so great a[x] difference amongst them, that for the present they agreed no further, than "that they would that afternoon "only provide, that the next morning they would "fall upon that[y] matter;" and then[z] they might consult together at night, what person they would sacrifice.

About[a] three of the clock, when the house met, Mr. Pym "lamented the disorder of the night be-"fore, which, he said, might probably have engaged "the house in blood, and had[b] proceeded princi-"pally from[c] the offering a protestation, which had "been never before offered in that house, and was "a transgression that ought to be severely exa-"mined, that mischief might not result hereafter[d]

[u] attending] which attended
[x] a] *Not in MS.*
[y] that] the
[z] then] that then
[a] About] And so about
[b] had] *Not in MS.*
[c] from] by
[d] mischief might not result hereafter] mischief hereafter might not result

BOOK IV. 1641.

"from that precedent: and therefore proposed, that "the house would the next morning enter upon "that examination; and in the mean time, men "might recollect themselves, and they, who used to "take notes, might peruse their memorials; that "the persons who were the chief causes[e] of the dis- "order might be named, and defend themselves the "best they could:" and with this resolution the house arose;[f] the vexation of the night before being very visible in the looks and countenance of many. Neither[g] that night's deliberation, nor all the artifice or importunity that could be used, could remove[h] the obstinate northern men from their resolution: they[i] declared positively, "that, if they pro- "secuted Mr. Hyde, they, and all their friends, "would engage in his defence:" which made the others resolve, not to incur[k] the danger or inconvenience of such a schism; and so they unanimously agreed upon another[l] person, whom they would accuse.

The next morning they first enlarged upon the offence itself; "of the mischief it had like to have "produced, and would[m] unavoidably produce, if the "custom or liberty of it were ever admitted;[n] that "it was the first time it had ever been offered in "that house; and that care ought to be taken, that "it should be the last; by the severe judgment of "the house, upon those persons who had begun the "presumption."

[e] causes] causers
[f] arose;] rose;
[g] Neither] And
[h] could remove] could not remove
[i] they] and they
[k] which made the others resolve, not to incur] but the others would not incur
[l] another] a third
[m] and would] and of the mischief it would
[n] were ever admitted;] was ever introduced;

Mr. Hyde, who had then known nothing of the private consultation, and had many reasons to believe himself to be designed, stood up (notwithstanding some signs made to him at a distance by his northern friends, which he understood not) and said, "It concerned him to justify what he had done, being the first man who mentioned the protestation:" upon which there was a general noise and clamour "to withdraw;" and as great "to speak:" he proceeded, [o] and said, "He was not old enough "to know the ancient customs of that house; but, "that he well knew, it was a very ancient custom "in the house of peers; and leave was never denied "there [p] to any man, who asked that he might protest, and enter his dissent, against any judgment "of the house, to which he would not be understood to have given his consent: that he did not "understand any reason, why a commoner should "not have the same liberty, if he desired not to be "involved in any vote, which he thought might "possibly be inconvenient to him. That he had "not offered his protestation against the remonstrance, though he had opposed it [q] all he could, "because it remained still within those walls; that "he had only desired leave to protest against the "printing it; which, he thought, was not in many "respects lawful for them to do; and might prove "very pernicious to the public peace."

They were very much offended with all he said, and his assurance [r] in speaking; and Mr. Strode could not contain himself from saying, "that that

[o] he proceeded,] upon which he proceeded,

[p] there] *Not in MS.*

[q] it] *Not in MS.*

[r] assurance] confidence

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"gentleman had confessed that he had first pro-
"posed the protestation; and, therefore, desired he
"might withdraw;" which many others likewise called for: till sir John Hotham appeared with some warmth against it; and young Hotham, his son, accused Jeffery Palmer "of giving the cause of "disorder, by saying, *I do protest*, without asking "the leave of the house, and encouraging others[s] to "cry out every man, *I do protest*:" whereupon they all fell into great[t] noise and confusion; and so, without much more discourse, Mr. Palmer was called upon "to explain;" which as he was about to do, Mr. Hyde (who loved him much, and had rather have suffered himself, than that he should spoke[u] to the orders of the house; and said, "that "it was against the orders and practice of the "house, that any man should be called upon to ex-"plain, for any thing he said in the house two days "before; when it could not be presumed, that his "own memory could recollect all the words he had "used; or that any body else could charge him "with them; and appealed to the house, whether "there was any precedent of the like." And there is no doubt, there never had been; and it was very irregular. But they were too positively resolved to be[x] diverted; till,[y] after two hours debate, he himself desired,[z] "that, to save the house further trou-"ble, he might answer, and withdraw;" which he did. When it drew towards night, after many hours debate, it was ordered, "that he should be

[s] others] men
[t] great] that
[u] spoke] spake
[x] to be] not to be
[y] till,] and,
[z] he himself desired,] himself desiring,

" committed to the Tower;" the angry men pressing, with all their power, " that he might be expelled the house;" having borne him a long grudge, for the civility he shewed in the prosecution of the earl of Strafford; that is, that he had not used the same reproachful language which the others had done: but they were at last glad to compound for his bare commitment to the Tower: from whence he was within few days enlarged, and returned again to the house. In[a] the close of that day, and the rising of the house, without much opposition, they obtained an order for the printing their remonstrance.

The remonstrance ordered to be printed.

That remonstrance, after many clauses and unbecoming expressions were cast out, contained, " that " there had been, from the beginning of his majesty's " reign, a malignant and pernicious design, of subverting the fundamental laws and principles of " government, upon which the religion and justice " of the kingdom was established: that the actors " and promoters thereof were the jesuited papists; " the bishops and corrupt part of the clergy; and " such counsellors and courtiers, as had engaged " themselves to further the interests of some foreign " princes, or states, to the prejudice of the king and " state at home; all which had endeavoured to raise " differences and discontents betwixt the king and " his people, upon questions of prerogative and liberty; to suppress the purity of religion, and such " men as were best affected to it, as the greatest impediment to that change which they thought to " introduce; to cherish and maintain those opinions " in religion, which brought ours nearest and most

The substance of it.

[a] In] And in

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" agreeable to the papists; and to continue, mul-
" tiply, and enlarge the differences between the pro-
" testants themselves, distinguishing between pro-
" testants and puritans, by introducing and coun-
" tenancing such opinions and ceremonies, as were
" fittest for accommodation with popery; that so, of
" papists, Arminians, and libertines, they might com-
" pose a body fit to act such counsels and resolu-
" tions, as were most conducible to their own ends:
" and, lastly, to render the king disaffected[b] to par-
" liaments, by slanders and false imputations, and so
" putting him upon other ways of supply, as of more
" advantage than the ordinary course of subsidies,
" which brought infinite loss to the[c] king and peo-
" ple, and caused the distractions that ensued.[d]"

They remembered " the breach of the parliament
" at Oxford, in the first year of his majesty's reign;
" and reproached him[e] with the fruitless voyage to
" Cadiz, at his first coming to the crown; the loss of
" Rochelle, by first suppressing their fleet with his
" own royal ships, by which the protestant religion
" in France infinitely suffered; the making a war
" with France precipitately, and a peace with Spain,
" without their consent, and so deserting the cause
" of the palatinate; and with a design to bring in
" German horse, to force the kingdom, by violence,[f]
" to submit to such arbitrary contributions, as should
" be required of them."

They remembered him " of charging the king-
" dom by billeting of soldiers, and by raising of[g]

[b] to render the king disaffected] to disaffect the king
[c] the] *Not in MS.*
[d] that ensued.] which ensued.
[e] him]. his majesty
[f] violence,] rigour,
[g] of] *Not in MS.*

" coat and conduct money for those soldiers, in the
" second and third years of his reign; of his dissolv-
" ing the parliament in his second year, after their
" declaration of an intent to grant five subsidies;
" and the exacting those five subsidies afterwards by
" a commission of loan; upon the refusal whereof,
" divers gentlemen[h] were imprisoned, whereof some
" died, by the diseases they contracted in that im-
" prisonment; of great sums raised by privy-seals;
" and of an attempt to set the excise on foot."

They remembered " the dissolution of the parlia-
" ment in the fourth year of his reign, and the untrue
" and scandalous declarations thereupon; the im-
" prisoning divers members of that parliament after
" the dissolution, and detaining them close prisoners
" for words spoken in parliament; sentencing and
" fining them for those words; one of which died in
" prison, for want of ordinary refreshment, whose
" blood (they said) still cried for vengeance."

They reproached his majesty " with injustice, op-
" pression, and violence, which, after the breaking[i]
" of that parliament, broke in upon them, without
" any restraint or moderation; with the great sums
" of money he had exacted throughout the kingdom
" for default of knighthood, in the fourth year of his
" reign; with the receiving tonnage and poundage
" from the death of king James; and raising the
" book of rates, and laying new impositions upon
" trade; with the enlargement of forests, and com-
" positions thereupon; the engrossing gunpowder,
" and suffering none to buy it without licence; with
" all the most odious monopolies of soap, wine, salt,

[h] gentlemen] gentlemen and others [i] breaking] breach

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"leather, sea-coal, and the rest," (which had been granted from his majesty's first coming to the crown, and some of them before,) "with the new tax of "ship-money, and the ill-guarding the seas, and "leaving the merchants[k] naked to the violence of "the Turkish pirates, notwithstanding that extraor- "dinary and extravagant supply; with the vexa- "tions upon pretence of nuisances in building, and "thereupon raising great sums of money for licences "to build; and of depopulation, that men might pay "fines to continue the same misdemeanour; with "the seizing the merchants' money in the mint; and "an abominable project of making brass money."

They repeated "the extravagant censures of the "star-chamber, whereby the subject had been op- "pressed by fines, imprisonments, stigmatizings, mu- "tilations, whippings, pillories, gags, confinements, "banishments; the severe and illegal proceedings of "the council-table, and other new-erected judica- "tories; and the suspensions, excommunications, "and deprivations of learned and pious ministers, "by the high commission court; which grew to that "excess of sharpness and severity, that they said it "was not much less than the Romish inquisition."

They reproached the king "with the liturgy and "canons sent into Scotland, as an attempt upon the "protestant religion; with the forcing that nation to "raise an army in their own defence, and raising "an army against them; with the pacification, and "breach of that pacification; that he called a par- "liament after, in hope to corrupt it, and make it "countenance the war with Scotland; which when

[k] merchants] merchant

" he found it would not do, he dissolved it, and then " committed members to prison; and compelled men " to lend money against their wills; and imprisoned " such as refused."

They mentioned " the synod held by the bishops " after the end of the parliament, and the canons " and oath made by them; the raising the armies, " here and in Ireland, against the Scots; and the li- " beral collection and contribution from the clergy, " and the catholics, towards that war; all the favours " that had been done to the papists; the reception " and entertainment of seignior Con, and the comte " Rozetti, by the queen, from Rome; and some mi- " nisters sent by her majesty thither."

In a word, they left not any error or misfortune in government, or any passionate exercise of power, unmentioned or[l] unpressed; with the sharpest and most pathetical expressions to affect the people, that the general observation of the wisest, or the particular animosity of the most disobliged, or ill-affected persons,[m] could suggest, to the disadvantage of the king, from the death of his father, to the unhappy beginning of the present parliament.

Then they magnified their own services: " that " having found the kingdom groaning under these " difficulties, which seemed to be insuperable, they " had, by the Divine Providence, overcome them " all; that they had[n] abolished ship-money, and all " monopolies; and had taken away that which was " the root of all those evils, the arbitrary power[o] of

[l] or] and

[m] persons,] person,

[n] had] *Not in MS.*

[o] and had taken away that which was the root of all those evils, the arbitrary power] and (which was the root of all those evils) had taken away that arbitrary power

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"taxing the subject, pretended[p] to be in the king:
"that the living grievances, the evil counsellors
"were so quelled, by the justice done on[q] the earl
"of Strafford; the flight of the lord Finch, and se-
"cretary Windebank; the accusation and imprison-
"ment of the archbishop of Canterbury, and other
"delinquents; that it was not like to be only an
"ease to the present times, but a preservation to the
"future."

They[r] reckoned up[s] "all the good laws, and the
"benefit the people received by those laws; spoke[t]
"of many good designs they had for the benefit[u] of
"the kingdom:" but then complained "of opposi-
"tions, and obstructions, and difficulties, with which
"they were encountered, and which still lay in their
"way, with some strength, and much obstinacy;
"that there was a malignant party took heart again,
"that preferred some of their own agents and factors
"to degrees of honour, and to places of trust and
"employment. That they had endeavoured to work
"in his majesty ill impressions and opinions of their
"proceedings; as if they had done altogether their
"own work, and not his; and had obtained many
"things from him prejudicial to the crown, in re-
"spect of prerogative and profit. To wipe out
"which slander, they declared,[x] all they had done
"was for his majesty, his greatness, honour, and
"support: that, when they gave five and twenty
"thousand pounds[y] a month, for the relief of the

[p] pretended] which was pretended
[q] done on] done upon
[r] They] *Not in MS.*
[s] up] *Not in MS.*
[t] spoke] spake
[u] benefit] good
[x] declared,] said,
[y] pounds] pound

" northern counties, in the support of the Scottish[z] " army, it was given to the king, for that he was " bound to protect his subjects; and that, when they " undertook the charge of the army, which cost " above fifty thousand pounds a month,[a] it was given " to the king, for that it was his majesty's army, and " the commanders and soldiers under contract with " him; and that, when they undertook to pay " their brethren of Scotland three hundred thousand " pounds, it was to repair the damages and losses " they had sustained by his majesty and his mi- " nisters; and that those[b] particulars amounted to " above eleven hundred thousand pounds."

Then they negligently and perfunctorily passed over his majesty's graces and favours, " as being " little more than in justice he was obliged to grant, " and of no considerable[c] loss and damage to him- " self; and promised the good people shortly ease " in the matter of protections, (by which the debts " from parliament-men, and their followers, and de- " pendents, were not recoverable,) and speedily to " pass a bill to that purpose."

Then they inveighed against the malignant party, that had sought " to cause jealousies between them " and their brethren of Scotland; and that had such " a party of bishops and popish lords in the house of " peers, as hindered the proceedings of divers good " bills, passed in the commons' house, concerning " sundry great abuses and corruptions both in church " and state," (when, at that time, the house of peers

[z] Scottish] Scotch
[a] a month,] the month,
[b] that those] that these
[c] no considerable] inconsiderable

BOOK IV. 1641. had only refused to concur with them in two bills, that of the protestation; and, the taking away the votes of bishops out of the house of peers,) "that had "attempted to disaffect and discontent his majesty's "late army, and to bring it up against the parlia- "ment, and city of London; that had raised the re- "bellion in Ireland; and, if not by their wisdom pre- "vented, had brought the like misery and confusion "in this kingdom."

Then they declared, "that they meant to have a "general synod of the most grave, pious, learned, "and judicious divines of this island;" (when at that time there was scarce one[d] orthodox divine of England in reputation with them;) "who,[e] assisted by "some[f] from foreign parts, professing the same reli- "gion, should[g] consider of all things necessary for "the peace and good government of the church; "and present the result of their consultations to the "parliament, to be there allowed and confirmed: "that they would provide a competent maintenance "for conscientious and preaching ministers through- "out the kingdom: that they intended to reform and "purge the fountains of learning, the two univer- "sities; that the streams flowing from thence might "be clear and pure, and an honour and comfort to "the whole land: that his majesty should be peti- "tioned by both houses, to employ such counsellors, "ambassadors, and other ministers, in managing his "business at home and abroad, as the parliament "have[h] cause to confide in; without which, they

[d] scarce one] not one
[e] who,] *Not in MS.*
[f] by some] with some
[g] should] who should
[h] have] might have

"could not give his majesty such supplies for his "own support, or such assistance for the protestant "party beyond the seas, as was desired."

Withal they declared, "that the commons might "have cause, often, justly to take exceptions at "some men for being counsellors, and yet not "charge those men with crimes; for that there are "grounds of diffidence, which lie not in proof; and "others, which though they may be proved, yet are "not legally criminal; as to be a known favourer of "papists; or to have been very forward in defending "or countenancing some great offenders, question-"ed in parliament; or to speak contemptuously of "either house of parliament, or parliamentary pro-"ceedings; or such as are suspected to get counsel-"lors' places, or any other of trust concerning pub-"lic employment, for money: that all good courses "may be taken, to unite the two kingdoms of Eng-"land and Scotland; to be mutually aiding and as-"sisting one another, for the common good of the "island, and the honour of both:" with some other particulars of this nature.[i]

The ways by which the party grew in the house of commons.

I know not how those men have already answered it to their own consciences; or how they will answer it to Him who can discern their consciences; who, having assumed their country's trust, and, it may be, with great earnestness laboured to procure that trust, by their supine laziness, negligence, and absence, were the first inlets to those[k] inundations; and so contributed to those licences which have over-

[i] with some other particulars of this nature.] *The continuation of lord Clarendon's remarks on this remonstrance, which here follow in the MS. will be found in the Appendix, F.*

[k] to those] to these

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whelmed us. For, by this means, a handful of men, much inferior in the beginning, in number and interest, came to give laws to the major part; and to shew that three diligent persons are really a greater and more significant number,[l] than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions. It is true, men of activity and faction, in any design, have many advantages, that a composed and settled council, though industrious enough, usually have not; and some, that gallant men cannot give themselves leave to entertain: for, besides their through considering and forming their counsels before they execute them,[m] they contract a habit of ill nature and disingenuity[n] necessary to their affairs, and the temper of those upon whom they are to work, that liberal-minded men would not persuade themselves to entertain, even for the prevention of all the mischief the others intend. And whosoever observes[o] the ill arts, by which[p] these men used to prevail upon the people in general; their absurd, ridiculous lying, to win the affections, and corrupt the understandings, of the weak; and the bold scandals, to confirm the wilful; the boundless promises they presented to the ambitious; and their gross, abject flatteries, and applications, to the vulgar-spirited; would hardly give himself leave to use those weapons, for the preservation of the three kingdoms.

The king had[q] at that time a greater disadvan-

[l] really a greater and more significant number,] are a greater number in arithmetic, as well as a more significant number in logic.

[m] they execute them,] they begin to execute,

[n] disingenuity] uningenuity

[o] whosoever observes] whoever observed

[p] by which] *Not in MS.*

[q] had] besides had

tage (besides the concurrence of ill and extraordinary accidents) than himself, or any of his progenitors, had ever had before; having no servant of the house of commons, of interest, ability, and reputation, and of faithfulness and affection to his service: sir Thomas Jermyn, who was very honest to him, and of good abilities, through his indisposition of health, and trouble of mind for his son's misfortune, having left the house, and the court, and being retired into the country; and sir Harry Vane (who was the other only privy-counsellor) having committed those faults to the king, he knew could not be forgiven; and those faults to the country, could not be forgotten; gave himself entirely to the disposition of his new masters: and Mr. Saint-John, who at the beginning was made solicitor[r] general, and[s] thereby had obliged himself, by a particular oath, "to defend his majesty's rights, and in no case to be "of counsel, or give advice, to the prejudice of the "king, and the crown;" was the chief instrument to devise and contrive all the propositions and acts of undutifulness towards him. So that, whilst these men, and their consorts, with the greatest deliberation, consulted, and disposed themselves to compass confusion; they, who out of the most abstracted sense of loyalty to the king, and duty to their country, severed from any relations to the king's service,[t] or hopes from the court, preserved their own innocence, and endeavoured to uphold the good old frame of government, received neither countenance nor[u] conduct from those who were naturally to have

[r] solicitor] his solicitor
[s] and] *Not in MS.*
[t] king's service,] king,
[u] nor] or

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taken care of that province. And sure the raging and fanatic distemper[x] of the house of commons (to which all other distempers are to be imputed) must most properly be attributed to the want of such[y] good ministers of the crown in that assembly, as[z] being unawed by any guilt of their own, could have watched other men's; and informed, encouraged, and influenced[a] those, who stood well inclined to the public peace.

To which purpose, if that stratagem (though none of the best) of winning men by places, had been practised, as soon as the resolution was taken at York to call a parliament, (in which, it was apparent, dangerous attempts would be made; and that the court could not be able to resist those attempts,) and if Mr. Pym, Mr. Hambden, and Mr. Hollis, had been then preferred with Mr. Saint-John, before they were desperately embarked in their desperate designs, and had innocence enough about them, to trust the king, and be trusted by him; having yet contracted no personal animosities against him; it is very possible, that they might either have been made instruments to have done good service; or at least been restrained from endeavouring to subvert the royal building, for supporting whereof they had been[b] placed as principal pillars.

But the rule the king gave himself, (very reasonable at any other[c] time,) that they should first do service, and compass this or that thing for him, before they should receive favour, was then very unseasonable: since, besides that they could not in

[x] distemper] distempers
[y] such] *Not in MS.*
[z] as] who
[a] influenced] governed
[b] had been] were
[c] any other] another

truth do him that service without the qualification, it could not be expected they would desert that side, by the power of which they were sure to make themselves considerable, without an unquestionable mark of interest in the other, by which they were to keep up their power and reputation: and so, whilst the king expected they should manifest their inclinations to his service, by their temper and moderation in those proceedings that most offended him; and they endeavoured, by doing all the hurt they could, to make evident the power they had to do him good; he grew so far disobliged and provoked, that he could not in honour gratify them; and they so obnoxious and guilty, that they could not think themselves secure in his favour: and thence, according to the policy and method of injustice, continued [d] to oppress that power they had injured; and to raise a security for themselves, by disabling [e] the king to question their transgressions. [f]

[d] continued] combined

[e] disabling] disenabling

[f] question their transgressions.] *After this, in MS. C. is the following short account of the dispute in the house of commons respecting the right of protesting; of which, a circumstantial statement is given from MS. B. in page 44 of this volume:* I have been the longer in contemplation of this particular in this place, because from their mastery in that night's debate about the remonstrance, and the agony they were in during the debate, that they might not prevail, they contracted so great a pride and animosity against those that opposed them, and the others grew so cast down and dejected, that ever after they met no equal opposition in the house of commons: for the same night, after it was voted, upon a motion made for the printing it, a new debate arising with more passion than the former, and one member standing up, and desiring leave to enter his protestation against it, (which was usual in the house of peers, and by the same reason might be thought not unlawful there, though it had not been practised in the house of commons,) all those who had dissented, with much passion,

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1641. The king's reception in London upon his return out of Scotland, Nov. 25.

Notwithstanding all these contrivances to lessen the reputation of the court, (to which many other particulars contributed, which will be touched hereafter,[g]) the city of London made great preparations to receive the king. Gourney, then[h] lord mayor, was a man of wisdom and courage, and[i] expressed great indignation, to see the city so corrupted, by the ill artifices of factious persons; and therefore attended upon his majesty, at his entrance into the city, with all the lustre and good countenance it could shew; and as great professions of duty as it could make, or the king expect.[k] And on Thursday, the five and twentieth of November, the king entered into London; received[l] with the greatest acclamations of joy, that had been known upon any occasion;

and some disorder, desired to enter their protestation likewise; so that the business of printing was for the present laid aside, and the protestation pressed in that manner, that the house rose in some confusion about three of the clock in the morning. Whereupon, two days after, when they had contrived their business, they questioned Mr. Palmer, who was one of those who offered his protestation upon some expressions in the manner of doing it, which some were prepared to witness against him; and without suffering it to be debated, whether protesting itself were lawful and regular, after a debate of five or six hours, many of the dissenters being won over, and others persuaded to be absent, they judged him to be sent to the Tower; being contented to compound for Mr. Palmer, and to wave questioning the gentleman who first begun the protestation, (though he was more in their displeasure,) by reason one powerful person amongst them had taken some groundless affection to him, and declared, that he would concur with them against Mr. Palmer, but would with all his interest oppose them on the behalf of the other; and so, having compassed their main end, from that time they found the sense of the house more at their devotion, as will be observed hereafter.

[g] hereafter,] upon,

[h] then] the

[i] and] and who

[k] the king expect.] *The continuation of this part of the History, according to MS. B. will be found in the Appendix, G.*

[l] received] where he was received

and after a most magnificent entertainment, by sir Richard Gourney, lord mayor, at the guildhall; where the king, queen, prince, and the whole court of lords and ladies, were feasted; his majesty was [m] attended by the whole city to Whitehall, where he lodged that night; and the [n] earl of Essex resigned his commission of general on this side Trent; which had been granted for the security of the kingdom, at his majesty's going into the north.

The next day, the king went to Hampton-court; and as soon as he came thither, took away the seals from sir Henry Vane, (having before taken away [o] his staff of treasurer of the household [p] from him, and conferred it upon the lord Savile, in lieu of the presidentship of the north; which he was to [q] have had, if both houses had not declared that commission to be illegal,) and [r] appointed the guards that were kept at Westminster, for the security of the two houses, ever since the news out of Scotland, to be dismissed; and shortly after published a proclamation, "for obedience to be given to the laws esta- "blished, for the exercise of religion."

Sir H. Vane turned out from being [o] secretary of state.

These proceedings of his majesty much troubled the managers in the house; [s] and the entertainment given to him by the city of London, in which their entire confidence was, much dejected them; and made them apprehend, their friends there were not so powerful as they expected. However, they seemed to abate nothing of their mettle; and, shortly

A petition presented to the king, together with the remonstrance, on Dec. 1. and printed.

[m] his majesty was] he was
[n] and the] when the
[o] away] *Not in MS.*
[p] of the household] *Not in MS.*
[q] was to] should
[r] and] then he
[s] troubled the managers in the house;] troubled them;

BOOK IV. 1641. after his return, resolved to present their remonstrance, lately framed, to him, together with a petition; in which they complained "of a malignant "party, which prevailed so far, as to bring divers "of their instruments to be of his privy-council; "and in other employments of trust and nearness "about his majesty, the prince, and the rest of his "children: to which malignant party, amongst other "wickedness, they imputed the insurrection of the "papists in Ireland; and therefore, for the suppressing that wicked and malignant party, they "besought his majesty, that he would concur with "his people, in a parliamentary way, for the depriving the bishops of their votes in parliament," (when at that time the bill to that purpose had not passed the house of peers,) "and abridging their immoderate power over the clergy: and[t] for the removing "unnecessary ceremonies, by which divers weak "consciences had been scrupled; that he would remove from his council such persons as persisted to "favour any of those pressures wherewith the people had been grieved; and that he would for the "future employ such persons in the public affairs, "and take such to be near him in places of trust, "as his parliament might have cause to confide in; "and that he would reject and refuse all mediation "and solicitation to the contrary, how powerful and "near soever; that he would forbear to alienate any "of the forfeited and escheated lands in Ireland, "which should accrue to the crown, by reason of "this rebellion. Which desires of theirs being graciously fulfilled by his majesty, (they said,) they

[t] and] *Not in MS.*

" would apply themselves to such courses and coun-
" sels, as should support his royal estate with ho-
" nour and plenty at home, with power and reputa-
" tion abroad; and by their loyal affections[u] and
" service lay a sure and lasting foundation of the
" greatness and prosperity of his majesty, and his
" royal posterity in future times."

This petition, together with the remonstrance, was presented at Hampton-court, on the first day of December; and within few days after, both the petition and remonstrance were by order printed, and with great industry published throughout the kingdom. Albeit the king, at the receipt thereof, desired them not[x] to publish either, till he should send his answer: which he did shortly after, expressing,

The king's answer to the petition.

" How sensible he was of that disrespect: repre-
" hending them for the unparliamentariness of their
" remonstrance in print; whereof,[y]" he said, " he
" would reserve to[z] himself to take such course, as
" he should think fit, in prudence and honour." But to their petition, he told them, " that if they would
" make that wicked and malignant party, whereof
" they complained, known to his majesty, he would
" be as ready to suppress and punish it, as they
" could be to complain; that by those counsellors,
" whom he had exposed to trial, he had given suffi-
" cient testimony, that there was no man so near
" him,[a] in place or affection, whom he would not
" leave to the justice of the law, if they should bring

[u] affections] affection
[x] desired them not] desired and forbade them
[y] in print; whereof,] in point whereof,
[z] to] *Not in MS.*
[a] near him,] near unto him,

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" sufficient proofs, and a particular charge against " him: in the mean time, he wished them to for- " bear such general aspersions, as, since they named " none in particular, might reflect upon all his coun- " cil; that, for the choice of his counsellors, and mi- " nisters of state, it was the natural liberty all free- " men have, and the undoubted right of the crown, " to call such to his secret council, and public em- " ployment, as he should think fit; yet he would be " careful to make election of such, as should have " given good testimonies of their abilities and in- " tegrity, and against whom there could [b] be no just " cause of exception; that for the depriving the bi- " shops of their votes in parliament, they should " consider, that their right was grounded upon the " fundamental law of the kingdom, and constitution " of parliament.

" For what concerned religion, church govern- " ment, and the removing unnecessary ceremonies, " if the parliament should advise him to call a na- " tional synod, he should consider of it, and give " them due satisfaction therein; declaring his reso- " lution to maintain the doctrine and discipline esta- " blished by law, as well against all invasions of po- " pery, as from the irreverence of schismatics and " separatists; wherewith, of late, this kingdom and " this city abounds, to the great dishonour and ha- " zard both of church and state; for the suppression " of whom, his majesty required their timely and " active assistance.

" To their desire concerning Ireland, he told " them, he much doubted whether it were season-

[b] could] can

"able to declare resolutions of that nature, before "the events of the war were seen: however, he "thanked them for their advice; and conjured them "to use all possible diligence and expedition in ad- "vancing the supplies thither; the insolence and "cruelty of the rebels daily increasing."

The graciousness and temper of this answer made no impression on them; but they proceeded in their usual manner; framing and encouraging, underhand, those whispers, by which the rebellion in Ireland might be understood to receive some extraordinary countenance from the court of England, the scandal whereof, they knew, would quickly fall upon the queen.

At this time, the diligence[c] and dexterity of the lord mayor caused an address to be prepared to his majesty from the court of aldermen; which was sent by the two sheriffs, and two others of that body; by which "his majesty was humbly desired to reside "at Whitehall:" which angered the governing party as much as their kind reception[d] had done. The petition was graciously received; all the aldermen knighted; and the court, within a day or two, removed to Whitehall.

Affairs in Ireland.

The letters out of Ireland were very importunate for relief, of men, money, and provisions; the rebels very much increasing, and taking courage, from the slow proceeding here for their suppression: which indeed was not advanced equal to men's expectations; though the king, upon his first coming to the houses after his return from Scotland, with great

[c] At this time, the diligence] And the diligence

[d] their kind reception] the ceremonious reception

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earnestness recommended it to them. Only the propositions made from Scotland, "for the sending ten "thousand men from thence into Ulster, to be paid "by the parliament," were consented to; whereby some soldiers were despatched thither, to defend their own plantation; and did in truth, at our charge, as much oppress the English that were there, as the rebels could have done; and had upon the matter the sole government of that province committed to them, the chief towns and garrisons, which were kept by English, being delivered into their hands. The lieutenant himself, the earl of Leicester, (who was now grown gracious to the managers,) made not that haste to his charge some men thought necessary; pretending "that the re- "bels had yet some apprehensions and terror of his "coming thither with great forces, and provisions "of all kinds; but that if they should hear he were "landed, with so small a strength as was yet raised, "and in no better equipage than he was yet able to "go in, they would take courage, and would op- "press him, before more succours could come; by "reason, that they who [e] yet stood upon their guard, "and publicly sided not with either,[f] (till, by the "resistance and opposition they found prepared for "them, they might guess who was like to prevail,) "would then freely declare, and join with the rest."

A bill prepared in the house of commons for pressing men for Ireland.

The slow levying[g] of men was imputed to the difficulty of getting volunteers; their numbers, who had commission,[h] upon beating drums,[i] rising very inconsiderably: and therefore they prepared a bill

[e] that they who] those who
[f] with either,] with the rebels,
[g] levying] levies
[h] commission,] commissions,
[i] beating drums,] beating their drums,

for pressing; which quickly passed the commons,[k] and was sent up to the lords. It cannot be supposed, that there could be then a scarcity of men, or that it could be hard, within three months after the disbanding the northern army, to bring[l] together as many men as they had occasion to use: but their business was to get power, not men; and therefore this stratagem was used, to transfer the power of pressing[m] men from the king to themselves; and to get the king, that he might be now able to raise men for Ireland, to disable[n] himself from pressing upon any other occasion. For, in the preamble of this bill, which they sent up to the lords, (as they had done before the[o] first act for tonnage and poundage,) they declared, "that the king had in no case, "or upon any occasion, but the invasion from a fo- "reign power, authority to press the freeborn sub- "ject; which could not consist with the freedom "and liberty of his person."

The preamble of the bill, as it came from the commons, excepted against in the house of lords.

This doctrine was new to the lords, and contrary to the usage and custom of all times; and seemed to them[p] a great diminution of that regal power, which was necessary for the preservation of his own subjects, and assistance of his allies; which in many cases he was bound to yield. And the attorney general took the courage "to desire the lords," (as he should often have done in other cases,) "that he "might be heard on the king's behalf, before they "consented to a clause so prejudicial to the king's "prerogative." This necessary stop was no sooner

[k] the commons,] the commons' house,
[l] to bring] to gather
[m] pressing] impressing
[n] disable] disenable
[o] the] in the
[p] to them] *Not in MS.*

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made, than the commons laid aside the consideration of Ireland; ordered their committee "to meet "no more about that business;" the levies, which were then making of volunteers, stood still; and they declared, "that the loss of Ireland must be "imputed to the lords." On the other side, the lords too well understood that logic, to be moved by it; and were rather sensible of the inconveniences they had incurred by their former compliance, than inclined to repeat the same error.

In the mean time, letters came every day from Ireland, passionately bemoaning their condition; and multitudes of men, women, and children, who were despoiled of their estates, and forced into this kingdom for want of bread, spoke[q] more lamentably than the letters. In this strait, they knew not what to do; for whatever discourse they pleased themselves with, concerning the lords, it was evident the fault would lie at their own doors; besides that, his majesty might make use of[r] that occasion, to take the whole business out of their hands, and manage it himself by his council; which would both lessen their reputation and interest, and indeed defeat much of what[s] they had projected.

Saint-John advises the king to offer an expedient.

Hereupon, Mr. Saint-John, the king's solicitor, (a man that might be trusted in any[t] company,) went privately to his majesty; and seemed to him much troubled "at the interruption given by the com-"mons; and to grant,[u] that the preamble was un-"reasonable, and ought to be insisted against[x] by

[q] spoke] spake
[r] might make use of] might take
[s] much of what] much that
[t] in any] in every
[u] grant,] consent,
[x] insisted against] insisted on

"the lords, on the behalf of his majesty's preroga-
"tive: however, he told him, since he thought it
"impossible to rectify the commons in their under-
"standings, it would be a great blessing to his ma-
"jesty, if he could offer an expedient to remove
"that rub, which must prove fatal to Ireland in a
"short time; and might grow to such a disunion
"between the two houses, as might much cloud the
"happiness of this kingdom; and, undoubtedly,
"could not but have a very popular influence upon
"both, when both sides would be forwarder to ac-
"knowledge his majesty's great wisdom and piety,
"than they could be now made to retract any thing
"that was erroneous in themselves:" and then "ad-
"vised him to come to the houses; and to express
"his princely zeal for the relief of Ireland; and
"taking notice of the bill for pressing, depending
"with the lords, and the dispute raised, concerning
"that ancient and undoubted prerogative, to avoid
"further debate, to offer, that the bill should pass
"with a *salvo jure*, both for the king and people;
"leaving such debates to a time that might better
"bear it."

The king puts it in practice.

Which advice his majesty followed; and coming to the house, said the very words he had proposed to him. But now their business was done, (which truly, I think, no other way could have been compassed,) the divided lords and commons presently unite themselves in a petition to the king; "acknow-
"ledging his royal favour and protection to be a
"great blessing and security to them, for the enjoy-
"ing and preserving all those private and public li-
"berties and privileges which belong unto them;
"and whensoever any of those liberties or privi

The lords and commons declare this to be a breach of privilege, in a peti-

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" should be invaded, they were bound, with humility " and confidence, to resort to his princely justice for " redress and satisfaction; because the rights and " privileges of parliament were the birthright and " inheritance, not only of themselves, but of the " whole kingdom, wherein every one of his subjects " was interested: that amongst the privileges of par- " liament, it was their ancient and undoubted right, " that his majesty ought not to take notice of any " matter in agitation and debate, in either house[y] " of parliament, but by their information and agree- " ment; and that his majesty ought not to propound " any condition, provision, or limitation, to any bill, " or act, in debate or preparation, in either house[z] " of parliament; or to declare his consent or dissent, " his approbation or dislike, of the same, before it " be presented to him in due course of parliament. " They declared, that all those privileges had been " lately broken, to their great sorrow and grief, in " that speech which his majesty had made to them; " wherein he took notice of a bill for pressing of sol- " diers, not yet agreed upon; and offered a *salvo* " *jure*, and provisional clause, to be added to it, be- " fore it was presented to him: and therefore they " besought him, by his royal power to protect them, " in those and the other privileges of his high court " of parliament; and that he would not, for the time " to come, break or interrupt them; and that, for " the reparation of them in that their grievance and " complaint, he would declare and make known the " name of such person, by whose misinformation, and " evil counsel, his majesty was induced to the same,

[y] house] houses [z] house] houses

" that he might receive condign punishment. And " this they did desire, and, as his greatest and most " faithful council, did advise his majesty to perform, " as a great advantage to him, by procuring and con- " firming a confidence and unity betwixt his majesty " and his people, &c."

And having delivered this petition, they no more considered Ireland, till this manifest breach should be repaired; which they resolved nothing should do, but the passing the bill: and therefore, when the king offered, [a] by a message sent by the earl of Essex, " that he would take care, by commissions which " he would grant, that ten thousand English volun- " teers should be speedily raised for the service of " Ireland, if the houses would declare that they " would pay them;" the overture was wholly rejected; they neither being willing that such a body of men should be raised by the king's direction, (which would probably be more at his devotion than they desired,) nor in any other way than they proposed: and so in the end (after other ill accidents intervening, which will be remembered in order) he was compelled to pass the bill concerning [b] pressing, which they had prepared.

Whereupon the bill concerning pressing passed.

However, for all this, and the better, it may be, for all this, the king, upon his arrival at Whitehall, found both his houses of parliament of a much better temper than they had been; many having great indignation to see his majesty so ill treated by his own servants, and those who were most obliged to his bounty and magnificence; and likewise to discern how much ambition and private interest was

[a] offered,] offered them, [b] concerning] for

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1641. covered under public pretences. They who were in truth zealous for the preservation of the laws,[c] the religion, and true interest of the nation, were solicitous to preserve the king's honour from any indignity, and his regal power from violation; and so always opposed those who intrenched[d] upon either, and who could compass their ends by no other means than by trampling upon both. So that, in truth, that which was called the king's party, in both houses, was made up of persons who were strangers, or without any obligation, to the court; of the best fortunes, and the best reputation, in their several countries where they were known; as having always appeared very zealous in the maintenance of their just rights, and opposed, as much as in them lay, all illegal and grievous impositions: whilst his own privy-council, (two or three only excepted,) and much the greater number of all his own servants, either publicly opposed, or privately betrayed him; and so much the more virulently abhorred all those who now appeared to carry on his service, because they presumed to undertake, at least endeavour,[e] (for they undertook nothing, nor looked for any thanks for their labour,) to do that which themselves[f] ought to have done; and so they were upon this disadvantage, that whenever they pressed any thing in the house, which seemed immediately to advance the king's power and authority, some of the king's council, or his servants, most opposed it, under the notion "of being prejudicial to the king's interest:" whilst they who had used to govern and impose upon the

[c] laws,] law,
[d] intrenched] trenched
[e] endeavour,] to endeavour,
[f] themselves] they

house, made a[g] show of being more modest, and yet were more insolent;[h] and endeavoured, by setting new counsels on foot, to entangle, and engage, and indeed to overreach the house; by cozening them into opinions which might hereafter be applicable to their ends, rather than to pursue their old designs, in hope to obtain in the end a success by their authority. The night of the remonstrance had humbled them in that point: and from that time, they rather contrived ways to silence those who opposed them, by traducing them abroad, or taking[i] advantage against them in the house, for any expressions they used in debate which might be misinterpreted; and so calling them to the bar, or committing them to the Tower: which did in truth strike such a terror into the minds of many, that they forbore to come to the house, rather than expose themselves to many uneasinesses there.[k]

[g] a] *Not in MS.*

[h] yet were more insolent;] were more silent;

[i] or taking] and taking any

[k] to many uneasinesses there.] to so many uneasinesses there. *The following paragraph, from MS. B. is omitted.* They found that they were so far from having gotten credit by their angry bill against the church for the extirpation of bishops, that they had lost ground in the attempt, and therefore they seemed to decline any farther thought of such a violent proceeding, and to have more moderate inclinations; and so one morning they brought in and desired to have a bill read for the taking away the votes of the bishops out of the house of peers, no otherwise differing from the former, than it was shorter. It was opposed by many, that it should be received or read; for it was a known rule of the house, that a bill rejected could not be brought again into the house during the same session, which was an order that had never been known to be violated, which Mr. Pym confessed; but said, that our orders were not like the laws of the Medes and Persians, not to be altered, but that they were in our own power, and that the receiving this bill, since it was in our power, would be very necessary, and would quiet the minds of many, who, it may be, would be contented with the passing this bill, who would otherwise be importunate for

BOOK IV.

1641.

A proposal in the house of commons, for a committee to consider of the present state and power of the militia.

There was at this time, or thereabout, a debate started in the house, as if by mere chance, which produced many inconveniences after; and, if there had not been too many concurrent causes, might be thought the sole cause and ground of all the mischiefs which ensued. Upon some report, or discourse of some accident, which had happened upon or in the disbanding the late army, an obscure member moved, "That the house would enter upon the consideration, whether the militia of the kingdom was "so settled by law, that a sudden force, or army, "could be drawn together, for the defence of the "kingdom, if it should be invaded, or to suppress "any[l] insurrection or rebellion, if it should be attempted."

The house kept a long silence after the motion, the newness of it amusing[m] most men, and few in truth understanding the meaning of it; until one and

more violent remedies, and that there was reason to believe, that the lords who had rejected the former bill were very sorry for it, and would give this a better reception; and if they did not, it would meet with the same fate the other had done, and we should have the satisfaction of having discharged our own consciences. The content many men had, to see the former violence declined, and more moderate counsels pursued, prevailed so far, that the bill was received, and read; and the same reasons, with some subsequent actions and accidents, prevailed afterwards for the passing it in the house of commons, though it received a greater opposition than it had done formerly. And the lord Falkland then concurring with his friend Mr. Hyde in the opposing it, Mr. Hambden said, that he was sorry to find a noble lord had changed his opinion, since the time the last bill to this purpose had passed the house; for he then thought it a good bill, but now he thought this an ill one. To which the lord Falkland presently replied, that he had been persuaded at that time, by that worthy gentleman, to believe many things, which he had since found to be untrue; and therefore he had changed his opinion in many particulars, as well as to things as persons.

[l] any] an

[m] amusing] amazing

another of the members, who were least taken notice of, seeming to be moved by the weight of what had been said, enlarged upon the same argument: and in the end it was proposed, "That a committee might "be appointed, to consider of the present state of "the militia, and the power of it; and to prepare "such a bill for the settling it, as might provide for "the public peace, and for the suppressing any fo- "reign enemy, or domestic insurrection."

This debated.

Hereupon [n] they were inclined to nominate a committee, to prepare such a bill as should be thought necessary: upon which Mr. Hyde spoke [o] against the making any such committee; said, "There could be "no doubt, that the power of the militia resided in "the king, in whom the right of making war and "peace was invested; that there had never yet ap- "peared any defect of power, by which the kingdom "had been in danger, and we might reasonably ex- "pect the same security for the future." With which the house seemed well satisfied and composed, and inclined to go on upon [p] some other debate, until Saint-John, the king's solicitor, [q] and the only man in the house of his learned council, stood up, and said, "He would [r] not suffer that debate, in which "there had been so many weighty particulars [s] men- "tioned, to be discontinued without some resolution: "that he would be very glad there were that power "in the king, (whose rights he was bound to defend,) "as the gentleman who spoke [t] last seemed to ima- "gine; which, for his part, he knew there was not;

And sol. gen. Saint-John declares the power of it not to be in the king.

[n] Hereupon] And hereupon
[o] spoke] spake
[p] go on upon] resume
[q] the king's solicitor,] who was then the king's solicitor,
[r] would] could
[s] particulars] particularities
[t] spoke] spake

BOOK IV. 1641. "that the question was not about taking away[u] "power from the king, which was vested in him, "(which was his duty always to oppose,) but to in- "quire, whether there be such a power in him, or "any where else, as is necessary for the preserva- "tion of the king and the people, in many cases that "may fall out; and if there be not, then to supply "him with that power and authority;" and said,[x] "he did take upon him with confidence to affirm,[y] "that there was a defect of such power and autho- "rity:" he put them in mind, "how that power had "been executed in the age in which we live; that "the crown had granted commissions to great men, "to be lord lieutenants of counties; and they to gen- "tlemen of quality, to be their deputy lieutenants; "and to colonels, and other officers, to conduct and "list soldiers; and then he wished them to consider, "what votes they had passed, of the illegality of all "those commissions, and of[z] the unjustifiableness of "all the proceedings which had been[a] by virtue of "those commissions; so that let the occasion or ne- "cessity be what it would, he did presume, no man "would hereafter execute any such commission; and "if there were any man[b] so hardy, that no body "would obey them; and therefore desired them to "consider, whether there be not a defect of power; "and whether it ought not to be supplied."

It was now evident enough, that the debate was not[c] begun by chance, but had been fully delibe- rated; and what use they would make, upon occa-

[u] away] any
[x] and said,] and he said,
[y] to affirm,] to say,
[z] of] *Not in MS.*
[a] been] *Not in MS.*
[b] man] men
[c] was not] had not

sions, of those volumes of votes, they had often poured out upon all accidental debates; and no man durst take upon him to answer all that had been alleged, by saying, all those votes were of no validity; and that the king's right was, and would be, judged the same it had been before, notwithstanding those votes; which is very true: but this being urged by the king's own solicitor, they appointed him "to "bring in and prepare such a bill as he thought ne- "cessary;" few men imagining that such a sworn officer would not be very careful and tender of all his master's prerogatives, which he was expressly sworn to defend.

He is appointed to bring in a bill to settle that matter;

Within few days after, he brought in a very short bill, in which was mentioned by way of preface, "That the power over the militia of the kingdom "was not settled in any such manner, that the se- "curity of the kingdom was provided for, in case of "invasion or insurrection, or any sudden[d] accidents;" and then an enacting clause, "That henceforward "the militia, and all the power thereof, should be "vested in—&c." and then a large blank left for inserting names; and afterwards, "the absolute au- "thority to execute—&c." The ill meaning whereof was easily understood; and with some warmth pressed, "That by this bill all the power would be taken "out of the crown, and put into the hands of com- "missioners." To which the solicitor made answer, "That the bill took no power from any body who "had it, but provided[e] to give power where it was "not; nor was there mention of any commission- "ers; but a blank was therefore left, that the house

Which he does.

[d] any sudden] such like

[e] provided] was provided

BOOK IV. 1641.

"might fill it up as they thought fit, and put the "power into such hands as they thought proper; "which, for aught he knew, might be the king's; "and he hoped it would be so."

The bill received.

And with this answer the bill was received, notwithstanding all opposition, and read; all those persons who had been formerly [f] deputy lieutenants, and lay under the terror of that vote, presuming, that this settlement would provide for the indemnity of all that had passed before; and the rest, who might still be exposed to the same hazards, if they should be required to act upon the like occasions, concurring in the desire, that somewhat might be done for a general security; and they who had contrived it, were well enough contented that it was once read; not desiring to prosecute it, till some more favourable conjuncture should be offered: and so it rested. [g]

The king dismisses sir William Balfour from being lieutenant of the Tower.

About this time, the king not being well satisfied in the affection or fidelity of sir William Balfour, whom he had some years before, to the great and general scandal, and offence of the English nation, made lieutenant of the Tower; and finding that the seditious preachers every day prevailed in the city of London, and corrupted the affections and loyalty of the meaner people towards the government of the [h]

[f] been formerly] formerly been

[g] and so it rested.] and so those two great bills, the one against the bishops sitting in the house of peers, and the other for the militia, were the subject of the present designs in the house of commons, and called upon as any thing fell out which might advance either; but for the present they seemed most intent and solicitous upon that against the bishops; in which they still found great opposition; and did very visibly lose ground in the house of commons, as the king's friends grew daily stronger in the house of peers. *For the continuation of this part of the history, according to MS. B. see the Appendix, H.*

[h] the] *Not in MS.*

church and state; resolved to put that place (which some men fancied to be[i] a bridle upon the city) into the hands of such a man as he might rely upon:[k] and yet, he was willing to be quit of the other, without any act of disobligation upon him; and therefore gave him three thousand pounds, ready money, which was raised by the sale of some of the queen's own jewels: and immediately caused colonel Lunsford to be sworn in his place, lieutenant of the Tower.

Colonel Lunsford put in his place.

This was no sooner known, than the house of commons found themselves concerned in it; and upon pretence "that so excellent a person as sir William "Balfour" (who in truth was very gracious to them, for the safe keeping the earl of Strafford) "could not "be removed from that charge, but upon some emi- "nent design against the city and the kingdom; and "that the man who was appointed for his successor "was a person of great licence, and known only by "some desperate acts; for which he had been for- "merly imprisoned by the state, and having made "his escape, fled the kingdom: they desired the "lords to join with them in a petition to the king, "to put the Tower into better hands;" making such arguments against the person of the man, as before spoken of. The lords replied to them, "That it was "an argument of that nature, they thought not "themselves competent advisers in it; the custody "of the Tower being solely at the king's disposal, "who was only to judge of the fitness of the person "for such a charge." But at the same time that they refused to join in a public desire to the king,

[i] some men fancied to be] was looked upon as

[k] as he might rely upon:] upon whom he might rely:

BOOK IV. 1641.

they intimated privately their advice to him,[l] "that "he should make choice of a fitter person, against "whom no exceptions could be made." For indeed sir Thomas Lunsford was not then known enough, and of reputation equal to so envious a province; and thereupon, within two or three days at most, he resigned the place, and the king gave it sir John Byron.[m]

The colonel resigns, and sir John Byron is put in.

This gave them no satisfaction in the change, since it had no reference to their recommendation; which they only looked after: but it gave them great delight, to see that the king's counsels were not so fixed, but their clamour might alter them; and that doing hurt, being as desirable a degree of power to some men[n] as doing good, and likely to gain them more proselytes, they had marred a man, though they could not make one. And without doubt, it was of great disadvantage to the king, that that counsel had not been formed with such deliberation, that there would need no alteration; which could not be made, without a kind of recognition.

Touching the bill against the bishops' votes, depending in the house of peers.

All this time the bill depended in the lords' house, "for the taking away the votes of bishops, and re- "moving them from the house of peers;" which was not like to make a more prosperous progress there, than it had six months before; it being evident, that the jurisdiction of the peerage was invaded by the commons; and therefore, that it was not reasonable to part with any of their supporters.

[l] they intimated privately their advice to him,] they caused privately advice to be given to him,

[m] gave it sir John Byron.] constituted sir John Byron in the place.

[n] to some men] *Not in MS.*

But the virulence against them still increased; and no churches frequented, but where they were preached against, as antichristian; the presses swelled with the most virulent invectives against them; and a sermon was preached at Westminster, and afterwards printed, under the title of *The Protestation Protested*, by the infamous Burton, wherein [o] he declared, "That all men were obliged by their late "protestation, by what means soever, to remove "both bishops and the common prayer book out of "the church of England, as impious and papistical:" whilst all the learned and orthodox divines of England were looked upon under the notion of scandalous ministers; and if the meanest and most vicious parishioner they had could be brought to prefer a petition against either of them to the house of commons, (how false soever,) he was sure to be prosecuted as such.

A petition published, in the name of the apprentices, against papists and prelates.

In the end, a petition was published, in the name "of the apprentices, and those whose apprentice-"ships were lately expired," in and about the city of London; and directed, "To the king's most ex-"cellent majesty in the parliament now assembled; "shewing, That they found by experience, both by "their own and masters' tradings, the beginning of "great mischiefs coming upon them, to nip them in "the bud, when they were first entering into the "world; the cause of which they could attribute to "no others but the papists, and the prelates, and "that malignant party which adhered to them: that "they stood solemnly engaged, with the [p] utmost of "their lives and fortunes, to defend his sacred ma-

[o] wherein] whereby [p] the] their

BOOK IV. 1641.

"jesty and royal issue, together with the rights and "liberties of parliaments, against papists, and popish "innovators; such as archbishops, bishops, and their "dependents, appear to be. They desired his ma- "jesty in parliament to take notice, that notwith- "standing the much unwearied pains and industry "of the house of commons, to subdue popery, and "popish innovators; neither is popery yet subdued, "nor prelates are yet removed; whereby many had "taken encouragements desperately to plot against "the peace and safety of his dominions: witness "the most barbarous and inhuman cruelties perpe- "trated by the papists in Ireland; from whence "(they said) a new spring of fears and jealousies "arose in them: and therefore they desired, that "the popish lords, and other eminent and dangerous "papists, in all the[q] parts of the kingdom, might "be looked unto, and secured; the laws against "priests and jesuits fully executed; and the prelacy "rooted up: that so the work of reformation might "be prosperously carried on; their distracting fears "removed; that the freedom of commerce and trade "might pass on more cheerfully, for the encourage- "ment of the petitioners, &c."

This, and such stuff, being printed, and scattered amongst the people; multitudes of mean persons[r] flocked to Westminster-hall, and about the lords' house; crying, as they went up and down, *No bishops, no bishops*, "that so they might carry on the "reformation."

I said before, that upon the king's return from Scotland, he discharged the guards that attended

[q] the] *Not in MS.* [r] persons] people

upon the houses. Whereupon the house of commons (for the lords refused to join with them) petitioned the king, "in regard of the fears they had of "some design from the papists, that they might "continue such a guard about them as they thought "fit." BOOK IV. 1641. The commons petition the king for a guard.

To which his majesty answered, "That he was "confident they had no just cause of fear; and that "they were as safe as himself and his children: "but, since they did avow such an apprehension of "danger, that he would appoint a sufficient guard "for them." And thereupon directed the[s] trainbands of Westminster and Middlesex (which consisted of the most substantial householders, and were under known officers) in fit numbers to attend. His majesty's answer.

This security was not liked; and it was asked, *Quis custodiet ipsos custodes---?* And when the disorderly rabble, spoke[t] of now, first came down, they resisted them, and would not suffer them to disturb the houses; and some of them, with great rudeness, pressing to the door of the house of peers, their lordships appointed the guard to be called up to remove them; and the earl of Dorset, being then lord lieutenant of Middlesex, (the crowd oppressing him, and refusing to leave the room,) in some passion, called upon the guard "to give fire upon "them;" whereupon the rabble, frighted, left the place, and hasted away.

The house of commons, incensed[u] that their friends should be so used, much inveighed against the earl of Dorset; and talked "of accusing him of "high treason;" at least, "of drawing up some im-

[s] directed the] directed that the
[t] spoke] spake
[u] incensed] much incensed

BOOK IV. 1641.

"peachment against him;" for some judgment he had been party to in the star-chamber, or council-table: and so giving these hints of their displeasure, that he might have the more care how he carried himself;[x] they concluded, that since they could not have such a guard as pleased them, they would have none at all: and so sent to the lords "for the dis-"charge of the train-bands that attended:" who willingly consented to it; and it was[y] done accordingly: the house of commons declaring, "That it "should be lawful for every member to bring his "own servant,[z] to attend at the door, armed with "such weapons as they thought fit."

Great tumults about the house of peers.

It was quickly understood abroad, that the commons liked well the visits[a] of their neighbours: so that the people assembled in greater numbers than before, about the house of peers; calling still out with one voice, *No bishops, no popish lords;* crowded and affronted such lords as came near them, who they knew[b] affected not their ends, calling them, *rotten-hearted lords.*

Hereupon the house of peers desired a conference with the commons; at which they complained of those[c] tumults; and told them, "that such disor-"ders would be an imputation upon the parliament, "and make it be doubted, whether they had free-"dom; and so might happily become a blemish to "those many good laws they had already passed, as "well as prevent the making more: and therefore "desired them, that they would, for the dignity of

[x] how he carried himself;] hereafter to carry himself;
[y] and it was] which was
[z] servant,] servants,
[a] visits] visitation
[b] who they knew] and whom they knew
[c] those] these

"parliaments, join with them in a declaration, for "the suppressing such tumults." This was reported to the commons; and as soon laid aside, "for the "handling of other matters of more importance."

The tumults continued; and their insolences increased; insomuch, as many dissolute and profane people went into the abbey at Westminster, and would have pulled down the organs, and some ornaments of the church; but being resisted, and by force driven out, they threatened, "they would "come with greater numbers, and pull down the "church."

Hereupon the lords send again[d] to the house of commons, to join with them in their declaration; and many members of that house complained, "that "they could not come with safety to the house; "and that some of them had been assaulted, and "very ill entertained,[e] by those people that crowded "about the door.[f]" But this conference[g] could not be procured; the debate being still put off to some other time; after several speeches had been made in justification of them, and commendation of their affections: some saying, "they must not dis- "courage their friends, this being a time they must "make use of all friends;" Mr. Pym himself saying, "God forbid the house of commons should proceed, "in any way, to dishearten people to obtain their "just desires in such a way."

In the end, the lords required the advice of the judges, "what course was legally to be taken, to "suppress and prevent those disorders;" and thereupon directed the lord keeper of the great seal, "to

The lords direct a writ to be issued out to appoint watches.

[d] send again] again sent
[e] entertained,] entreated,
[f] the door.] that door.
[g] conference] *Not in MS.*

BOOK IV. 1641.

"issue out a writ, upon the statute of Northamp-
"ton, to the sheriff and justices, to appoint strong
"watches in such places as they judged most con-
"venient, to hinder that unlawful conflux of people
"to Westminster, to the disturbance of their con-
"sultations." Which writ issuing accordingly, the justices of the peace, in obedience thereunto, appointed the constables to attend at the water side, and places near about Westminster, with good watches, to hinder that tumultuous resort.

The house of commons discharges them.

This was no sooner done, than the constables were sent for by the house of commons[h], and, after the view of their warrants, required to discharge their watches. And then the justices were[i] convened, and examined; and albeit it appeared, that what they had done was in pursuance of a legal writ, directed to them under the great seal of England, by the advice of the lords in parliament, without so much as conferring with the lords upon that act of theirs, the setting such a watch was voted to be "a breach of privilege:" and one of the justices of the peace, who, according to his oath, had executed that writ, was committed to the Tower for that offence.

Upon this encouragement, all the factious and schismatical people about the city and suburbs assembled themselves together with great licence; and would frequently, as well in the night as the day, convene themselves, by the sound of a bell, or other token, in the fields, or some convenient place, to consult, and receive orders from those by whom they were to be disposed. A meeting of this kind

[h] by the house of commons] *Not in MS.*

[i] were] *Not in MS.*

being about the time we speak of in Southwark, in a place where their arms and magazine for that borough was kept; the constable, being a sober man, and known to be an enemy to those acts of sedition, went among[k] them, to observe what they did: he was no sooner espied, but he was reproached with disdainful words, beaten and dragged in so barbarous a manner, that he hardly escaped with his life. Complaint was made to the next justices; and oath of the truth of the complaint made: whereupon a writ was directed to the sheriff, to impannel a jury, according to law,[l] for the inquisition and examination of that riot.

This was complained of in the house of commons, as an act that concerned their privileges: for that it was pretended, "that meeting in Southwark "had been made[m] by godly and well affected men, "only to draw up and prepare a petition against bi-"shops; and that the constable, being a friend to "bishops, came amongst them to cross them, and "to hinder men from subscribing that wholesome "petition." Upon[n] this discourse, without any further examination, an order was made by that house, "that the under-sheriff of Surrey should be en-"joined, not to suffer any proceedings to be made "upon any inquisition, that might concern any per-"sons who met together to subscribe a petition to "be preferred to that house."

By this, and other means, all obstacles of the law being removed, and the people taught a way to assemble lawfully together, in how tumultuous a manner soever, and the Christmas holydays giving more

[k] among] amongst
[l] to law,] to the law,
[m] made] *Not in MS.*
[n] Upon] And upon

BOOK IV.

leave and licence to all kind of people, the concourse grew more numerous about Westminster; the rabble[o] sometimes, in their passage between the city and Westminster, making a stand before Whitehall, and crying out, *No bishops, no bishops, no popish lords*, would say aloud, "that they would "have no more porter's lodge, but would speak "with the king when they pleased:" and, when[p] they came near the two houses, took papers out of[q] their pockets, and getting upon some place higher than the rest, would read the names of several persons, under the title of *disaffected members of the house of commons;* and called many lords, *false, evil,* and *rotten-hearted lords.* But their rage and fury against the bishops grew so high, that they threatened to pull down the lodgings where they lay; offered to force the doors of the abbey at Westminster, which were kept locked many days, and defended by a continual guard within; and assaulted the persons of some of the bishops in their coaches; and laid hands on the archbishop of York, in that manner, that, if he had not been seasonably rescued, it was believed they would have murdered him: so that all the bishops, and many other members, of both houses, withdrew themselves from attending in the houses, out of a real apprehension of endangering their lives.

1641.

The tumults increase about Whitehall and Westminster.

Whereupon all the bishops and many of both houses withdrew from their attendance.

These insurrections by this means were so countenanced, that no industry or dexterity of the lord mayor of London, sir Richard Gourney, could give any check to them;[r] but, instead thereof, himself

[o] rabble] people
[p] when] where
[q] took papers out of] took out papers from
[r] to them;] to it;

(with great and very notable courage opposing all their fanatic humours, both in the court of aldermen, and at the common council) grew to be reckoned in the first form of the *malignants*, (which was the term they imposed upon all those they meant to render odious to the people,) insomuch, as his house was no less threatened and disquieted by the tumults, than the house of lords: and when he apprehended some of those who were most notorious in the riot, and committed them to the custody of both the sheriffs of London in person, to be carried to Newgate, they were, by the power and strength of their companions, rescued from them in Cheapside, and the two sheriffs compelled to shift for their own safety. And when it was offered to be proved, by a member in the house of commons, that the wife of captain Venn, (having received a letter from her husband to that purpose,) who was one of the citizens that served[s] for London, and was known himself to lead those men, that came tumultuously down to Westminster, and Whitehall, at the time of the passing the bill of attainder of the earl of Strafford, had with great industry solicited many people to go down with their arms to Westminster, upon a day, (that was named,) when, she said, her husband had sent her word, that in the house of commons they were together by the ears, and that the worser party was like to get the better of the good party; and therefore her husband desired his friends to come with their arms to Westminster, to help the good party; and that thereupon many[t] in a short time went thither: they, who offered to

[s] citizens that served] burgesses [t] many] very many

BOOK IV. 1641.

make proof of the same, were appointed to attend many days; but, notwithstanding all the importunity that could be used, were never admitted to be heard.

All this time the king (who had been with great solemnity invited by [u] the city of London, and desired to make his residence nearer to them than Hampton-court) was at Whitehall, where, besides his ordinary retinue, and menial servants, many officers of the late disbanded army, who solicited their remainder of pay from the two houses, which was secured to them by act of parliament, and expected some farther employment in the war with Ireland, upon observation, and view of the insolence of the tumults, and the danger, that they might possibly bring to the court, offered themselves for a guard to his majesty's person; and were with more formality and ceremony entertained by him, than, upon a just computation of all distempers, was by many conceived seasonable. And from these officers, warm with indignation at the insolences of that vile rabble, which every day passed by the court, first words of great contempt, and then, those words commonly finding a return of equal scorn, blows were fastened upon some of the most pragmatical of the crew. This was looked upon by the house of commons like a levying war by the king, and much pity expressed by them, that the poor people should be so used, who came to them with petitions, (for some few of them had received some cuts and slashes, that had drawn blood,) and that made a great argument for reinforcing their numbers. And

Some officers repel the rabble about Whitehall.

[u] by] from

from those contestations, the two terms of *roundhead* and *cavalier* grew to be received in discourse, and were afterwards continued for the most succinct distinction of affections throughout the quarrel: they who were looked upon as servants to the king being then called *cavaliers;* and the other of the rabble contemned, and despised, under the names of *roundheads.*

Hence the terms of roundhead and cavalier.

The house of commons being at this time without any member, who, having relation to the king's service, would express any zeal for it, and could take upon him to say to others, whom he would trust, what the king desired, or to whom they who wished well could resort for advice and direction; so that whilst there was a strong conjunction and combination to disturb the government by depraving it, whatever was said or done to support it, was as if it were done by chance, and by the private dictates of the reason of private men; the king resolved[x] to call the lord Falkland, and sir John Colepepper, who was knight of the shire for Kent, to his council; and to make the former secretary of state in the place of Vane, that had been kept vacant; and the latter chancellor of the exchequer, which office the lord Cottington had resigned, that Mr. Pym might be put into it,[y] when the earl of Bedford[z] should have been treasurer, as is mentioned before. They were both of great authority in the house; neither of them of any relation to the court; and therefore what they said made the more impression; and they

The lord Falkland made secretary of state, and sir John Colepepper chancellor of the exchequer.

[x] the king resolved] *Originally in MS. B.* Mr. Hyde wished the lord Digby to advise the king

[y] into it,] into that office,

[z] the earl of Bedford] the lord Bedford

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were frequent speakers. The lord Falkland was wonderfully beloved by all who knew him, as a man of excellent parts, of a wit so sharp, and a nature so sincere, that nothing could be more lovely. The other was generally esteemed as a good speaker, being a man of an universal understanding, a quick comprehension, a wonderful memory, who commonly spoke[a] at the end of the debate; when he would recollect all that had been said of weight on all sides with great exactness, and express his own sense with much clearness, and such an application to the house, that no man more gathered a general concurrence to his opinion than he; which was the more notable, because his person, and manner of speaking, were ungracious enough; so that he prevailed only by the strength of his reason, which was enforced with confidence enough.[b]

The king knew them to be of good esteem in the house, and good affections to his service, and the quiet of the kingdom; and was more easily persuaded to bestow those preferments upon them, than the lord Falkland was to accept that which was designed to him. No man could be more surprised than he was, when the first intimation[c] was made to him of the king's purpose: he had never proposed any such thing to himself, nor had any veneration for the court, but only such a loyalty to the king[d] as the law required from him. And he had naturally a wonderful reverence for parliaments, as believing them most solicitous for justice, the viola-

[a] spoke] spake

[b] confidence enough.] *MS. adds:* His infirmities were known only to his nearest friends, or those who were admitted into his most intimate conversation.

[c] intimation] insinuation

[d] the king] the person of the king

tion whereof, in the least degree, he could not forgive any mortal power: and it was only his observation of the disingenuity [e] and want of integrity in this parliament [f], which lessened that reverence to it, and had [g] disposed him to cross and oppose their designs: he was so totally unacquainted with business, and the forms of it, that he did believe really he could not execute the office with any sufficiency. But there were two considerations that made most impression upon him; the one, lest the world should believe, that his own ambition had procured this promotion; and that he had therefore appeared signally in the house to oppose those proceedings, that he might thereby render himself gracious to the court: the other, lest the king should expect such a submission, and resignation of himself, and his own reason, and judgment, to his commands, as he should never give, or pretend to give; for he was so severe an adorer of truth, that he could as easily have given himself leave to steal as to dissemble; or to suffer any man to think that he would do any thing, which he resolved not to do; which he thought a more mischievous kind of lying, than a positive averring what could be most easily contradicted. 1641.

It was a very difficult task to Mr. Hyde, who had most credit with him, to persuade him to submit to this purpose of the king's [h] cheerfully, and with a just sense of the obligation, by promising, that in those parts of the office, which required most drudgery, he would help him the best he could [i]. But, above all,

[e] disingenuity] uningenuity
[f] parliament] *Not in MS.*
[g] had] which had
[h] the king's] the king
[i] he could] *MS. adds:* and would quickly inform him of all the necessary forms.

BOOK IV. 1641. he prevailed with him, by enforcing the ill consequence of his refusal to take the office, which would be interpreted to his dislike of the court, and his opinion, that more would be required from him than he could honestly comply with, which would bring great prejudice to the king: on the other hand, the great benefit that probably would redound to the king, and the kingdom, by his accepting such a trust in such a general defection, by which he would have opportunity to give the king a truer information of his own condition, and the state of the kingdom, than it might be presumed had been given to him, and to prevent any counsels, or practice, which might more alienate the affections of the people from the government; and then, that by this relation he would be more able to do the king service in the house, where he was too well known to have it believed, that he attained to it by any unworthy means or application. In[k] the end, he was persuaded to submit to the king's good pleasure, though he could not be prevailed with to accept it[l] with so good a grace, as might raise in the king any notable expectation of his departing from the severity of his own nature.

Thus he and Colepepper were[m] both invested in those offices, to the no small displeasure of the governing party, which could not dissemble their indignation, that any of their members should presume to receive those preferments, which they had designed otherwise to have disposed of. They took all opportunities to express their dislike of them,

[k] In] And in

[l] be prevailed with to accept it] prevail upon himself to do it

[m] Thus he and Colepepper were] And so they were

and to oppose any thing they proposed to them. And within few days there came a letter out in print, pretended to be intercepted, as written from a Roman catholic to another of the same profession, in which he gives an account, "That they had at "last, by the interest of their friends, procured those "two honourable[n] persons" (before mentioned)[o] "to be "preferred to those offices, and that they were well "assured that they would be ready to do them, and "all their friends, all good offices." Sir John Colepepper thought fit to take notice of it in the house, and to make those professions of his religion, which he thought necessary. But the lord Falkland chose rather to contemn it, without taking notice[p] of the libel, well knowing that he was superior to those calumnies, as indeed he was; all of that profession knowing that he was most irreconcileable to their doctrine, though he was always civil to their persons. However grievous this preferment was to the angry part of the house, it was very grateful to all those, both within and without the house, who wished well to the king and the kingdom.

The king at the same time resolved to remove another officer, who did disserve him notoriously, and to prefer Mr. Hyde to that place; with which his gracious intentions his majesty acquainted him; but he positively refused it, and assured him, "That "he should be able to do much more service in the "condition he was in, than he should be, if that "were improved by any preferment, that could be "conferred upon him at that time;" and he added, "that he had the honour to have much friendship

[n] honourable] noble
[o] before mentioned] who are mentioned before
[p] notice] any notice

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" with the two persons, who were very seasonably " advanced by his majesty, when his majesty's ser- " vice in the house of commons did, in truth, want " some countenance and support; and by his con- " versation with them, he should be so well in- " structed by them, that he should be more useful " to his majesty, than if he were under a nearer re- " lation and dependence." The king, with a very gracious countenance, told him, " that he perceived " he must, for some time, defer the laying any ob- " ligation upon him: but bid[r] him be assured he " would find both a proper time, and a suitable pre- " ferment for him, which he should not refuse. In " th emean time, he said, he knew well the friend- " ship between[s] the two persons, whom he had " taken to his council, and him; which was not the " least motive to him to make that choice; and that " he would depend as much upon[t] his advice, as " upon either of theirs; and therefore wished that " all three would confer together, how to conduct " his service in the house, and to advise his friends " how to carry themselves most to the advantage of " it, and to give him constant advertisement of what " had passed, and counsel when it was fit for him to " do any thing; and declared, that he would do no- " thing, that in any degree concerned, or related to, " his service in the house of commons, without their " joint advice, and exact communication to them of " all his own conceptions;" which, without doubt, his majesty did at that time steadfastly resolve, though in very few days he did very fatally swerve from it[u].

[r] bid] bade
[s] between] that was between
[t] upon] at least upon
[u] swerve from it] *MS. adds.*

By what hath been said before, it appears, that the lord Digby was much trusted by the king, and he was of great familiarity and friendship with the other three, at least with two of them; for he was not a man of that exactness, as to be in the entire confidence of the lord Falkland, who looked upon his infirmities with more severity than the other two did; and he lived with more frankness towards those two, than he did towards the other: yet even between those two [x] there was a free conversation and kindness to each other. The lord Digby was [y] a man of very extraordinary parts by nature and art, and had surely as good and excellent an education as any man of that age in any country: a graceful and beautiful person; of great eloquence and becomingness in his discourse, (save that sometimes he seemed a little affected,) and of so universal a knowledge, that he never wanted subject for a discourse: he was equal to a very good part in the greatest affairs,[z] but the unfittest man alive to conduct them,[a] having an ambition and vanity superior to all his other parts, and a confidence in himself,[b] which sometimes intoxicated, and transported, and exposed him. He had from his youth, by the disobligations his family had undergone from the duke of Buckingham, and the great men who succeeded him, and some sharp reprehension himself had met with, which obliged him to a country life, contracted

and so giving him the liberty to repair to either of their majesties in the same place, whenever he thought fit, he was very graciously dismissed.

[x] even between those two] between them two

[y] The lord Digby was] He was

[z] affairs,] affair,

[a] them,] it,

[b] in himself,] peculiar to himself,

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a prejudice and ill-will to the court; and so had in the beginning of the parliament engaged himself with that party which discovered most aversion from it, with a passion and animosity equal to theirs,[c] and therefore very acceptable to them. But when he was weary of their violent counsels, and withdrew himself from them with some circumstances which enough provoked them, and made a reconciliation, and mutual confidence in each other for the future, manifestly impossible amongst them[d]; he made private and secret offers of his service to the king, to whom, in so general a defection of his servants, it could not but be very agreeable: and so his majesty being satisfied, both in the discoveries he made of what had passed, and in his professions for the future, removed him from the house of commons, where he had rendered himself marvellously ungracious, and called him by writ to the house of peers, where he did visibly advance the king's service, and quickly rendered himself grateful to all those who had not thought too well of him before, when he deserved less; and men were not only pleased with the assistance he gave upon all debates, by his judgment and vivacity, but looked upon him as one, who could derive the king's pleasure to them, and make a lively representation of their good demeanour to the king, which he was very luxuriant in promising to do, and officious enough in doing as much as was just.

He had been instrumental in promoting the three persons above mentioned to the king's favour; and had himself, in truth, so great an esteem of them, that he did very frequently, upon conference toge-

[c] theirs,] their own, [d] amongst them] *Not in MS.*

ther, depart from his own inclinations and opinions, and concurred in theirs; and very few men of so great parts were,[e] upon all occasions, more counsellable than he; so that he would seldom be in danger of running into great errors, if he would communicate and expose all his own thoughts and inclinations to such a disquisition; nor was[f] he uninclinable in his nature to such an entire communication in all things which he conceived to be difficult. But his fatal infirmity was,[g] that he too often thought[h] difficult things very easy; and considered not[i] possible consequences, when the proposition administered somewhat that was[k] delightful to his fancy, by[l] pursuing whereof he imagined he should[m] reap some glory to himself, of which he was[n] immoderately ambitious; so that, if the consultation were[o] upon any action to be done, no man more implicitly entered[p] into that debate, or more cheerfully resigned[q] his own conceptions to a joint determination: but when it was[r] once affirmatively resolved, (besides that he might[s] possibly reserve some impertinent circumstance, as he thought,[t] the imparting whereof would change the nature of the thing,) if his fancy suggested[u] to him any particular, which himself might perform in that action, upon the imagination that every body would approve it, if it were pro-

[e] were,] are,
[f] was] is
[g] was,] is,
[h] thought] thinks
[i] considered not] doth not consider
[k] was] is
[l] by] and by
[m] imagined he should] imagines he shall
[n] was] is
[o] were] be
[p] entered] enters
[q] resigned] resigns
[r] was] is
[s] might] may
[t] thought,] thinks,
[u] suggested] suggests

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posed to them, he chose[x] rather to do it, than communicate it,[y] that he might[z] have some signal part to himself in the transaction, in which no other person might[a] claim a share.

By this unhappy temper he did often involve himself in very unprosperous attempts. The king himself was the unfittest person alive to be served by such a counsellor, being too easily inclined to sudden enterprises, and as easily startled[b] when they were entered upon. And from this unhappy composition in the one, and the other, a very unhappy counsel was proposed,[c] and resolution taken, without the least communication with either of the three, who[d] had been so lately admitted to an entire trust.

The bishops, who had been, in the manner before spoken of,[e] driven and kept from the house of peers, and not very secure in their own, could not have the patience to attend the dissolution of this storm, which in wisdom they ought to have done: but considering right and reason too abstractly, and what in justice was due, not what in prudence was to be expected, suffered themselves implicitly to be guided by the archbishop of York, who was of a restless and overweening spirit,[f] to such an act of indiscretion, and disadvantage to themselves, that all their enemies could not have brought upon them. This bishop,[g] as is said, was a man of a very imperious

[x] chose] chooses
[y] communicate it,] to communicate,
[z] might] may
[a] might] can
[b] startled] amazed
[c] proposed,] entered upon,
[d] who] which
[e] who had been, in the manner before spoken of,] who were in this manner
[f] restless and overweening spirit,] proud, restless, overweening spirit,
[g] This bishop,] *The following paragraph immediately pre-*

and fiery temper, Dr. Williams, who had been bishop of Lincoln, and keeper of the great seal of

cedes this in the MS.: The bill, which had been so irregularly brought into the house of commons, for the putting the bishops out of the house of peers, was carried in that house by being called upon in thin houses, and the fatal negligence of those, who could never be induced to attend the service in which their country had trusted them, and to which in truth all the calamities that afterwards befell the kingdom are to be imputed; the number of those who disliked, and, when they were present, opposed those seditious proceedings, being much superior to the other; who, by their artifices in the continuing and prosecuting their ill designs, but especially by their indefatigable industry, prevailed in what they went about. But when it came into the house of peers, it found no reception answerable to their expectation; it was permitted to be read, with great opposition; and, being once read, the number of those who opposed it was so much greater than the other which favoured and advanced it, that they could have no reasonable hope of ever being able to get it passed there; and this opposition put them to their wits ends: so that, being without any other hope, they resorted to their last remedy, which had once before served their turn in the destruction of the earl of Strafford. And the rabble of apprentices, and inferior persons of the city, flocked in great multitudes about the house of peers, crying out even at the doors of the house, that they would have no bishops; and as the bishops passed towards the house, to perform their duty, they stopped their passage, and would not suffer them to go in; and assaulted the persons of others, and pulled and tore their habits from their backs; treating likewise some members of the house of commons very rudely, as they passed upon messages and conferences between the two houses; when they used those of the members who were grateful to them with great respect and observance; and those with whom they were displeased, when they could sever them from the rest, they crowded, and pressed, and trod upon; and had several papers in their hands, which they read with a loud voice, standing upon the table, and in other places of the court of requests, in which they read the names of several persons, under the style of persons disaffected to the kingdom; amongst which, sir John Strangeways was the first, and Mr. Hyde was the second, and then the lord Falkland, and sir John Colepepper; and the next who were most troublesome to them, were likewise nominated. And when complaint was made to the house of commons for this disorder and breach of privilege, it was turned into mirth, and the names of the persons required of those who com-

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England in the time of king James. After his removal from that charge, he had lived splendidly in his diocese, and made himself very popular amongst those who had no reverence for the court; of which he would frequently, and in the presence of many, speak with too much freedom, and tell many stories of things and persons upon his own former experience; in which, being a man of great pride and vanity, he did not always confine himself to a precise veracity; and did often presume, in those unwary discourses, to mention the person of the king with too little reverence. He did affect to be thought an enemy to the archbishop of Canterbury; whose person he seemed exceedingly to contemn, and to be much displeased with those ceremonies and innovations, as they were then called, which were countenanced by the other; and had himself published, by his own authority,[i] a book against the using those ceremonies, in which there was much good learning, and too little gravity for a bishop. His passion and his levity gave every day great advantages to those who did not love him;

plained, and who could not be supposed to know any of that rabble; which made very many of the members of the house forbear to give their attendance there, out of real apprehension of danger to their persons. It was in the time of the Christmas holydays, which gave the greater opportunity to the tumults; and in which parliaments had never used to sit; and when very many of the house of commons had, according to their custom, retired into the country, to keep the Christmas with their neighbours, according to the good old fashion of England.

There was among the bishops one of a very imperious and fiery temper, Dr. Williams, who had been keeper of the great seal of England, and bishop of Lincoln; after his removal from that church, he had lived, &c.

[i] published, by his own authority,] written and published in his own name, and by his own authority,

and he provoked too many, not to have those advantages made use of: so that, after several informations against him in the star-chamber, he was sentenced,[k] and fined in a great sum of money to the king, and committed prisoner to the Tower, without the pity or compassion of any, but those, who, out of hatred to the government, were sorry that they were without so useful a champion; for he appeared to be a man of a very corrupt nature, whose passions could have transported him into the most unjustifiable actions.

He had a faculty of making relations of things done in his own presence, and discourses made to himself, or in his own hearing, with all the circumstances of answers and replies, and upon arguments of great moment; all which, upon examination, were still found to have nothing in them that was real, but to be the pure effect of his own invention. After he was sentenced in the star-chamber, some of his friends resorted to him, to lament and condole with him for his misfortune; and some of them seemed to wonder that, in an affair of such a nature, he had not found means to have made some submission and composition, that might have prevented the public hearing, which proved so much to his prejudice in point of reputation, as well as profit. He answered them with all the formality imaginable, "that they "had reason indeed to wonder at him upon the "event; but when they should know how he had "governed himself, he believed they would cease to "think him worthy of blame." And then related to

[k] he was sentenced,] *Thus in MS.*: he was sentenced for no less crimes than for perjury and subornation of perjury,

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them, "that as soon as publication had passed in "his cause, and the books were taken out, he had "desired his council (who were all able men, and "some of them very eminent) in the vacation-time, "and they at most leisure, to meet together, and "carefully to look over, and peruse all the evidence "that was taken on both sides; and that then they "would attend[l] him such a morning, which he ap- "pointed, upon their consent, at his own house at "Westminster: that they came at the time appoint- "ed; and being then shut up in a room together, he "asked them, whether they had sufficiently perused "all the books, and were throughly informed of his "case? To which they all answered, that they had "not only read them all over together, but had "severally, every man by himself, perused them[m] "again, and they believed they were all well in- "formed of the whole. That he then told them, he "had desired this conference with them, not only "as his council, by whose opinion he meant to go- "vern himself, but as his particular friends, who, he "was sure, would give him their best advice, and "persuade him to do every thing as they would do "themselves, if they were in his condition. That "he was now offered to make his peace at court, by "such an humble submission to the king, as he was "most inclined and ready to make; and which he "would make the next day after his cause was "heard, though he should be declared to be inno- "cent, of which he could make no doubt: but that "which troubled him for the present was, that the "infamousness of the charge against him, which had

[l] attend] all attend [m] them] *Not in MS.*

" been often exposed, and enlarged upon in several " motions, had been so much taken notice of through " the kingdom, that it could not consist with his ho- " nour to divert the hearing, which would be im- " puted to his want of confidence in his innocence, " since men did not suspect his courage, if he durst " rely upon the other; but that he was resolved, as " he said before, the next day after he should be vin- " dicated from those odious aspersions, he would cast " himself at the king's feet, with all the humility " and submission, which the most guilty man could " make profession of. It was in this point he de- " sired their advice, to which he would, without ad- " hering to his own inclination, entirely conform " himself; and therefore desired them, singly in or- " der, to give him their advice. He repeated the " several and distinct discourse every man had made, " in which he was so punctual, that he applied those " phrases, and expressions, and manner of speech to " the several men, which they were all taken notice " of frequently to use; as many men have some pe- " culiar words in discourse, which they are most de- " lighted with, or by custom most addicted to: and " in conclusion, that they were unanimous in their " judgments, that he could not, with the preserva- " tion of his honour, and the opinion of his integrity, " decline the public hearing; where he must be un- " questionably declared innocent; there being no " crime or misdemeanour proved against him in " such a manner, as could make him liable to cen- " sure: they all commended his resolution of sub- " mitting to the king, as soon as he had made his " innocence to appear; and they all advised him to " pursue that method. This, he said, had swayed

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" him; and made him decline the other expedient, " that had been proposed to him."

This relation wrought upon those to whom it was made, to raise a prejudice in them against the justice of the cause, or the reputation of the council, as they were most inclined; whereas there was not indeed the least shadow of truth in the whole relation; except that there was such a meeting and conference, as was mentioned, and which had been consented to by the bishop, upon the joint desire and importunity of all the council; who, at that conference, unanimously advised and desired him, " to use " all the means and friends he could, that the cause " might not be brought to hearing; but that he " should purchase his peace at any price; for that, if " it were heard, he would be sentenced very griev- " ously, and that there were many things proved " against him, which would so much reflect upon " his honour and reputation, and the more for being " a bishop, that all his friends would abandon him, " and be for ever[n] after ashamed to appear on his " behalf." Which advice, with great passion and reproaches upon the several persons for their presumption and ignorance in matters so much above them, he utterly and scornfully rejected. Nor indeed was it possible, at that time, for him to have made his peace; for though, upon some former addresses and importunity on his behalf, by some persons of power, and place in the court, in which the queen herself had endeavoured to have done him good offices, the king was inclined to have saved him, being a bishop, from the infamy he must un-

[n] for ever after] ever after

dergo by a public trial; yet the bishop's vanity had, in those conjunctures, so far transported him, that he had done all he could to have[o] insinuated, "that "the court was ashamed of what they had done; and "had prevailed with some of his powerful friends to "persuade him to that composition:" upon which the king would never hear more any person, who moved on his behalf.

It had been once mentioned to him, whether by authority, or no, was not known, "that his peace "should be made, if he would resign his bishopric, "and deanery of Westminster," (for he had[p] that *in commendam*,) "and take a good bishopric in Ire- "land;" which he positively refused; and said, "he "had much to do to defend himself against the arch- "bishop here: but if he was[q] in Ireland, there was "a man (meaning the earl of Strafford) who would "cut off his head within one month."

This bishop had been for some years in the Tower, by the sentence of the star-chamber, before this parliament met; when the lords, who were the most active and powerful, presently resolved to have him at liberty. Some had much kindness for him, not only as a known enemy to the archbishop of Canterbury, but as a supporter of those opinions, and those persons, which were against the church itself. And he was no sooner at liberty, and brought into[r] the house, but, as has been before mentioned,[s] he defended and seconded the lord Say, when he made an invective, with all the malice and bitterness imaginable, against the archbishop, then in prison; and

[o] have] have it
[p] he had] he held
[q] he was] he were
[r] into] in
[s] as has been before mentioned,] *Not in MS.*

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when he had concluded, that bishop said, "that he "had long known that noble lord, and had always "believed him to be as well affected to the church "as himself;" and so he continued to make all his address to that lord, and those of the same party. Being now in full liberty, and in some credit and reputation, he applied himself to the king; and made all possible professions of duty to his majesty, and zeal to the church; protesting "to have a perfect "detestation of those persons, who appeared to have "no affection or duty towards his majesty, and of[t] "all evil intentions against the religion established; "and that the civility[u] he had expressed towards "them was only out of gratitude for the good-will "they had shewed to him; and especially that he "might the better promote his majesty's service." And it being his turn shortly after, as dean of Westminster, to preach before the king, he took occasion to speak of the factions[x] in religion; and mentioning the presbyterian discipline,[y] he said, "it was a "government only fit for tailors and shoemakers, "and the like, not[z] for noblemen and gentlemen:" which gave great scandal and offence to his great patrons; to whom he easily reconciled himself, by making them as merry with some sharp sayings of the court, and by performing more substantial offices for them.

When, upon the trial of the earl of Strafford, it was resolved to decline the judgment of the house of peers[a], and to proceed by bill of attainder; and

[t] of] *Not in MS.*
[u] civility] civilities
[x] factions] factious
[y] presbyterian discipline,] presbyterians,
[z] not] and not
[a] of peers] *Not in MS.*

thereupon it was very unreasonably moved, "that "the bishops might have no vote in the passing that "act of parliament; because they pretended it was "to have their hand in blood, which was against an "old canon;" this bishop, without communicating with any of his brethren, very frankly declared his opinion, "that they ought not to be present;" and offered, not only in his own name, but for the rest of the bishops, "to withdraw always when that busi- "ness was entered upon:" and so betrayed a fundamental right of the whole order; to the great prejudice of the king, and to the taking away the life of that person, who could not otherwise have suffered.

And shortly after, when the king declared, that he neither would, nor could in conscience, give his royal assent to that act of attainder; when the tumults came about the court with noise and clamour for justice; the lord Say desired the king to confer with his bishops for the satisfaction of his conscience; and desired him to speak with that bishop in the point. After much discourse together, and the king insisting upon many particulars, which might induce others to consent,[b] but were known to himself to be false; and therefore he could never in conscience give his own consent to them; the bishop, as hath been mentioned before,[c] amongst other arguments, told him, "that he must consider, that as he had a "private capacity, and a public, so he had a public "conscience, as well as a private; that though his "private conscience, as a man, would not permit "him to do an act contrary to his own understand-

[b] consent,] consent to,

[c] as hath been mentioned before,] *Not in MS.*

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" ing, judgment, and conscience; yet his public con-
" science, as a king, which obliged him to do all
" things for the good of his people, and to preserve
" his kingdom in peace for himself and his posterity,[d]
" would not only permit him to do that, but even
" oblige, and require him. That he saw in what
" commotion the people were; that his own life, and
" that of the queen's, and the royal issue, might pro-
" bably be sacrificed to that fury; and it would be
" very strange, if his conscience should prefer the
" life of one single private person, how innocent so-
" ever, before all those other lives, and the preserva-
" tion of the kingdom."

This was the argumentation of that unhappy casuist, who truly, it may be, did believe himself; for towards the end of the war, and when the king's power declined, he, being then an archbishop, did in person assist the rebels[e] to take a castle of the king's; in which there was a garrison, and which was taken[f] by a long siege; because he might thereby[g] the better enjoy the profits of his own estate, which lay thereabouts.

Upon[h] all these great services he had performed for the party,[i] he grew every day more imperious; and after the king thought it necessary to make him archbishop of York, which, as the time then was, could not qualify him to do more harm, and might possibly dispose and oblige him to do some good;[k] he carried himself so insolently, in the house and out

[d] posterity,] prosperity,

[e] did in person assist the rebels] took a commission from the rebels

[f] was taken] he did take

[g] thereby] *MS. adds:* and by being himself governor there

[h] Upon] Notwithstanding

[i] the party,] them,

[k] some good;] more good;

of the house, to all persons, that he became much more odious universally, than ever the other archbishop had been; having sure more enemies than he, and few or[l] no friends, of which the other had abundance. And the great hatred of this man's person and behaviour, was the greatest invitation to the house of commons so irregularly to revive[m] that bill to remove the bishops; and was their chief[n] encouragement to hope, that the lords, who had rejected the former, would now pass, and consent to this second bill.

This was one of the bishops, who was most rudely treated by the rabble; who gathered themselves together about the house of peers, crying out, *No bishops, no bishops:* and his person[o] was assaulted, and robes torn from his back; upon which, in very just displeasure, he returned to his house, the deanery at Westminster; and sent for all the bishops who were then in the town, (it being within very few days of Christmas,) of which there were twelve or thirteen; and, in much passion, and with his natural indignation, he proposed, as absolutely necessary, "that they might unanimously and presently pre-"pare a protestation, to send to the house, against "the force that was used upon them; and against "all the acts, which were, or should be done during "the time that they should by force be kept from "doing their duties in the house." And immediately, having pen and ink ready, himself prepared a protestation; which, being read to them, they all approved; depending upon his great experience in the

[l] few or] *Not in MS.*
[m] revive] receive
[n] chief] only
[o] his person] whose person

BOOK IV. 1641.

rules of the house, where he had sat so many years, and in some parliaments in the place of speaker, whilst he was keeper of the great seal; and so presuming that he could commit no error in matter or form: and without further communication and advice, which both the importance of the subject, and the distemper of the time, did require; and that it might have been considered as well what was fit, as what was right; without further delay, than what was necessary for the fair writing, and engrossing the instrument they had prepared; they all set their hands to it. Then[p] the archbishop went to Whitehall to the king, and presented the protestation to him; it being directed to his majesty, with an humble desire, that he would send it to the house of peers, since they could not present it themselves; and that he would command that it should be entered in the journal of the house. His majesty[q] casting his eye perfunctorily upon it, and believing it had been drawn by mature advice, no sooner received it, than he delivered[r] it to the lord keeper, who unfortunately happened to be likewise present, with his command that he should deliver it to the house as soon as it met; which was to be within two hours after. The petition[s] contained these words:

The petition and protestation of the bishops to the king and house of lords.

To the king's most excellent majesty; and the lords and peers now assembled in parliament.

"The humble petition and protestation of all the "bishops and prelates, now called by his ma- "jesty's writs to attend the parliament, and

[p] Then] And then
[q] His majesty] And his majesty
[r] delivered] did deliver
[s] The petition] Which petition

" present about London and Westminster, for " that service.

1641.

" That, whereas the petitioners are called up by " several and respective writs, and under great pe- " nalties, to attend in parliament; and have a clear " and indubitable right to vote in bills, and other " matters whatsoever debatable in parliament, by " the ancient customs, laws, and statutes of this " realm; and ought to be protected by your ma- " jesty, quietly to attend, and prosecute that great " service:

" They humbly remonstrate, and protest before " God, your majesty, and the noble lords and peers " now assembled in parliament; that as they have " an indubitable right to sit and vote in the house " of lords, so are they (if they may be protected from " force and violence) most ready and willing to per- " form their duties accordingly; and that they do " abominate all actions or opinions tending to popery, " and the maintenance thereof; as also all propen- " sion and inclination to any malignant party, or any " other side or party whatsoever, to the which their " own reasons and consciences shall not move them " to adhere.

" But, whereas they have been at several times " violently menaced, affronted, and assaulted by mul- " titudes of people, in their coming to perform their " services in that honourable house; and lately chased " away, and put in danger of their lives, and can find " no redress, or protection, upon sundry complaints " made to both houses in these particulars:

" They likewise humbly protest before your ma- " jesty, and the noble house of peers, that, saving to " themselves all their rights and interests of sitting

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" and voting in that house at other times, they dare " not sit, or vote in the house of peers, until your " majesty shall further secure them from all affronts, " indignities, and dangers in the premises.

" Lastly, whereas their fears are not built upon " fantasies and conceits, but upon such grounds and " objects as may well terrify men of good resolu- " tions, and much constancy; they do in all duty " and humility protest, before your majesty, and the " peers of that most honourable house of parliament, " against all laws, orders, votes, resolutions, and de- " terminations, as in themselves null, and of none " effect, which in their absence, since the seven and " twentieth of this instant month of December, 1641, " have already passed; as likewise against all such, " as shall hereafter pass in that most honourable " house, during the time of this their forced and vio- " lent absence from the[t] said most honourable house; " not denying, but if their absenting themselves were " wilful and voluntary, that most honourable house " might proceed in all these premises, their absence, " or this their protestation, notwithstanding.

" And humbly beseeching your most excellent ma- " jesty to command the clerk of the[u] house of peers " to enter this their petition and protestation amongst " the[x] records;

" They will ever pray, &c."

(Signed)

Jo. Eborac.	*Jo. Asaphen.*	*Ma. Ely.*
Tho. Duresme.	*Guil. Ba. & Wells.*	*Godfr. Glouc.*
Rob. Cov. & L.	*Geo. Heref.*	*Jo. Peterburgh.*
Jo. Norwich.	*Rob. Oxon.*	*Mor. Llandaff.*

[t] the] their [u] the] that [x] the] his

It was great pity, that, though the archbishop's passion transported him, as it usually did; and his authority imposed upon the rest, who had no affection to his person, or reverence for his wisdom; his majesty did not take a little time to consider of it, before he put it out of his power to alter it, by putting it out of his hands. For it might easily have been discerned by those who were well acquainted with the humour, as well as the temper, of both houses, that some advantage and ill use would have been made of some expressions contained in it; and that it could produce no good effect. But the same motive and apprehension, that had precipitated the bishops to so hasty a resolution, (which was, that the house of peers would have made that use of the bishops being kept from the house, that they would in that time have passed the bill itself for taking away their votes,) had its effects[y] likewise with the king; who had the same imagination, and therefore would lose no time in the transmission of it to the house. Whereas it is more probable[z], the lords would never have made use of that very season, whilst the tumults still continued, for the passing an act of that importance; and the scandal, if not invalidity of it, would have been an unanswerable ground for the king to have refused his royal assent to it.

As soon as this protestation,[a] which, no doubt, in the time before the house was to meet, had been communicated to those who were prepared to speak upon it, was delivered by the lord keeper, with his majesty's command, and read; the governing lords

[y] effects] effect

[z] it is more probable] *Not in MS.*

[a] this protestation,] the protestation,

BOOK IV. 1641.

manifested a great satisfaction in it; some of them saying, "that there was *digitus Dei* to bring that "to pass, which they could not otherwise have com- "passed;" and without ever declaring any judgment or opinion of their own upon it, which they ought to have done, the matter only having relation to themselves, and concerning their own members; they sent to desire a conference presently with the house of commons, upon a business of importance: and, at the conference, only read and delivered the protestation of the bishops to them; which, the lord keeper told them, he had received from the king's own hand, with a command to present it to the house of peers[b]. The house of commons took very little time to consider of the matter; but, within half an hour, they sent up to the lords; and, without further examination, accused them all, who had subscribed the protestation, of high treason; and, by this means, they were all, the whole twelve of them, committed to prison; and remained in the Tower till the bill for the putting them out of the house was passed, which was not till many months after.

The protestation is delivered by the lords to the house of commons in a conference.

The commons accuse the bishops that subscribed it of high treason, and they are committed to the Tower.

When the passion, rage, and fury of this time shall be forgotten, and posterity shall find, amongst the records of the supreme court of judicature, so many orders and resolutions in vindication of the liberty of the subject, against the imprisoning of any man, though by the king himself, without assigning such a crime as the law hath determined to be worthy of imprisonment; and in the same year, by this high court, shall find twelve bishops, members of this court, committed to prison for high treason, for the

[b] of peers.] *Not in MS.*

presenting this protestation; men will surely wonder at the spirit of that reformation: and even that clause of declaring all acts null, which had been, or should be, done in their absence, in defence of which no man then durst open his mouth, will be thought good law[c] and good logic; not that the presence of the bishops in that time was so essential, that no act should pass without them; which had given them a voice, upon the matter, as negative as the king's; and themselves, in their instrument, disclaimed the least pretence to such a qualification; but because a violence offered to the freedom of any one member, is a violation to all the rest: as if a council consist of threescore, and the door to that council be kept by armed men, and all such, whose opinions are not liked, kept out by force; no doubt the freedom of those within is infringed, and all their acts as void and null, as if they were locked in, and kept without meat till they altered their judgments.

And therefore you shall find in the journals of the most sober parliaments, that, upon any eminent breach of their privileges, as always upon the commitment of any member for any thing said or done in the house, sometimes upon less occasions, that house, which apprehended the trespass, would sit mute, without debating, or handling any business, and then adjourn; and this hath been practised many days together, till they had redress or reparation. And their reason was, because their body was lame; and what was befallen one member, threatened the rest; and the consequence of one act might extend itself to many other, which were not in view; and

[c] good law] both good law

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this made their privileges of so tender and nice a temper, that they were not to be touched, or in the least degree trenched upon; and therefore that in so apparent an act of violence, where[d] it is not more clear that they were committed to prison, than that they durst not then sit in the house, and when it was lawful in the house of peers[e] for every dissenter in the most trivial debate, to enter his protestation against that sense he liked not, though he were single in his opinion; that it should not be lawful for those, who could not enter it themselves, to present this protestation to the king, to whom they were accountable under a penalty for their absence; and unlawful to that degree, that it should render them culpable of high treason; and so forfeit their honour,[f] their lives, their fortunes, expose their names to perpetual infamy, and their wives and children to penury, and want of bread; will be looked upon as a determination of that injustice, impiety, and horror, as could not be believed without those deep marks and prints of confusion, that followed and attended that resolution.

And yet the indiscretion of those bishops, swayed by the pride and passion[g] of that archbishop,[h] in applying that remedy at a time, when they saw all forms and rules of judgment impetuously declined; and the power of their adversaries so great, that the laws themselves submitted to their oppression; that they should, in such a storm, when the best pilot was at his prayers, and the card and compass lost,

[d] where] when

[e] in the house of peers] *Not in MS.*

[f] honour,] honours,

[g] passion] insolence

[h] that archbishop,] that anti-prelatical archbishop,

without the advice of one mariner, put themselves in such a cockboat, and to be severed from the good ship, gave that scandal and offence to all those who passionately desired to preserve their function, that they had no compassion, or regard of their persons, or what became of them; insomuch as in the whole debate in the house of commons, there was only one gentleman, who spoke[i] on their behalf, and said, "he did not believe they were guilty of high trea- "son, but that they were stark mad; and therefore "desired they might be sent to Bedlam."

This high and extravagant way of proceeding brought no prejudice to the king; and though it made their tribunal more terrible to men who laboured under any guilt, yet it exceedingly lessened the reverence and veneration that formerly had been[k] entertained for parliaments: and this last accusation and commitment of so many bishops at once, was looked upon by all sober men with indignation. For whatever indiscretion might be in the thing itself, though some expressions in the matter might be unskilful and unwarrantable, and the form of presenting and transmitting it irregular and unjustifiable, (for all which the house of peers might punish their own members, according to their discretion,) yet every man knew there could be no treason in it; and therefore the end of their commitment, and the use all men saw would be made of it, made it the more odious; and the members who were absent from both houses, which were three parts of four, and many of those who had been present, abhorred the proceedings, and[l] attended the houses more di-

[i] spoke] spake
[k] that formerly had been] that generally was
[l] and] *Not in MS.*

BOOK IV. 1641.

ligently; so that the angry party, who were no more treated with, to abate their fury, would have been compelled to have given over all their designs for the alteration of the government both in church and state; if the volatile and unquiet spirit of the lord Digby had not prevailed with the king, contrary to his resolution, to have given them some new[m] advantage; and to depart from his purpose of doing nothing, without very mature deliberation[n].

Though sir William Balfour, who is already mentioned,[o] had, from the beginning of this parliament, forgot[p] all his obligations to the king; and had made himself very gracious to those people, whose glory it was to be thought enemies to the court; and, whilst the earl of Strafford was his prisoner, did many offices not becoming the trust he had from the king, and contributed much to[q] the jealousy, which that party[r] had of his majesty; upon which there had been a long resolution to remove him from that charge; but to do it with his own consent, that there might be no manifestation of displeasure; yet it was a very unseasonable conjuncture, which was taken to execute it in;[s] and this whole transaction was so secretly carried, that there was neither notice nor[t] suspicion of it, till it was heard, that sir Thomas Lunsford was sworn lieutenant of the Tower; a man, who,[u] though of an ancient family in Sussex, was of

[m] new] *Not in MS.*

[n] without very mature deliberation] *Not in MS.*

[o] already mentioned,] mentioned before,

[p] forgot] (according to the natural custom of his country) forgot

[q] contributed much to] administered much of

[r] that party] they

[s] execute it in;] *MS. adds:* paying him such a considerable sum of money as well pleased him;

[t] nor] or

[u] who,] *Not in MS.*

a very small and decayed fortune, and of no good education; having been few years before compelled to fly the kingdom, to avoid the hand of justice for some riotous misdemeanour; by reason whereof he spent some time in the service of the king of France, where he got the reputation of a man of courage, and a good officer of foot; and in the beginning of the troubles here had some command in the king's army; but so much inferior to many others, and was so little known, except upon the disadvantage of an ill character, that, in the most dutiful time, the promotion would have appeared very ungrateful.[x] He was utterly a stranger to the king, and therefore it was quickly understood to proceed from the single election of the lord Digby, to whom he was likewise very little known; who had in truth designed that office to his brother sir Lewis Dives, against whom there could have been no exception, but his relation: but he being not at that time in town, and the other having some secret reason[y] to fill that place in the instant with a man who might be trusted; he suddenly resolved upon this gentleman, as one who would be faithful to him for the obligation, and execute any thing he should desire or direct; which was a reason, he might easily have foreseen, would provoke more powerful opposition; which error, as is said before, was repaired by the sudden change, and putting in sir John Byron; though it gave little satisfaction, and the less, by reason of another more inconvenient action, which changed the whole face of affairs, and caused this to be more[z] reflected upon.

1641.

[x] ungrateful.] ingrateful.

[y] reason] *MS. adds:* (which was not a good one)

[z] more] the more

BOOK IV.

1642.

In the afternoon of a day when the two houses sat, Herbert, the king's attorney, informed the house of peers, that he had somewhat to say to them from the king; and thereupon, having a paper in his hand, he said, that the king commanded him to accuse the lord Kimbolton, a member of that house, and five gentlemen, who were all members of the house of commons, of high treason; and that his majesty had himself delivered him in writing several articles, upon which he accused them; and he [a] read in a paper these ensuing articles, by which the lord Kimbolton, [b] Denzil Hollis, sir Arthur Haslerig, Mr. Pym, Mr. Hambden, and Mr. Strode, stood accused of high treason, for conspiring against the king and the parliament.

The attorney general Herbert accuses in the house of lords the lord Kimbolton, and five members of the house of commons, of high treason.

The articles against them.

Articles of high treason, [c] *and other misdemeanours, against the lord Kimbolton, Mr. Pym, John Hambden, Denzil Hollis, sir Arthur Haslerig, and William Strode, members of the house of commons.*

1. "That they have traitorously endeavoured to "subvert the fundamental laws and government of "this kingdom; and deprive the king of his regal "power; and to place on his subjects an arbitrary "and tyrannical power.

2. "That they have endeavoured, by many foul "aspersions upon his majesty, and his government, "to alienate the affections of his people, and to make "his majesty odious to them.

[a] and he] and thereupon he

[b] lord Kimbolton,] lord Mandeville,

[c] *Articles of high treason,*] *Previous to these articles, in the MS. from which they are copied, viz. MS. C. is a long introduction, on the state of the king's affairs, which will be found in the Appendix, I.*

3. "That they have endeavoured to draw his ma- "jesty's late army to disobedience to his majesty's "command, and to side with them in their traitorous "design.

4. "That they have traitorously invaded, and en- "couraged a foreign power to invade his majesty's "kingdom of England.

5. "That they have traitorously endeavoured to "subvert the very rights and beings of parliament.

6. "That, for the completing of their traitorous "designs, they have endeavoured, as far as in them "lay, by force and terror to compel the parliament "to join with them in their traitorous designs, and, "to that end, have actually raised and countenanced "tumults against the king and parliament.

7. "That they have traitorously conspired to levy, "and actually have levied, war against the king."

The house of peers was somewhat appalled at this alarum; but took time to consider of it, till the next day, that they might see how their masters the commons would behave themselves; the lord Kimbolton being present in the house, and making great professions of his innocence; and no lord being so hardy to press for his commitment on the behalf of the king.

A sergeant at arms demands the five members in the house of commons.

At the same time, a sergeant at arms demanded to be heard at the house of commons from the king; and being sent for to the bar, demanded the persons of five of their members [d] to be delivered to him in his majesty's name, his majesty having accused them of high treason. But the commons were not much surprised with the accident; for besides that they quickly knew what had passed with the lords, some

[d] five of their members] the five members

BOOK IV. 1642.

servants of the king's, by especial warrant, had visited the lodgings of some of the accused members, and sealed up their studies and trunks; upon information whereof, before that[e] sergeant came to the house, or public notice was taken of the accusation, an order was made by the commons; "That if any "person whatsoever should come to the lodgings of "any member of that house, and there offer to seal "the doors, trunks, or papers of such members,[f] or "to seize upon their persons; that then such mem- "ber should require the aid of the next constable, "to keep such persons in safe custody, till the house "should give further order: that if any person what- "soever should offer to arrest or detain any member "of that house, without first acquainting that house "therewith, and receiving further order from thence; "it[g] should be lawful for such member to stand upon "his guard, and make resistance, and for[h] any per- "son to assist him, according to the protestation "taken to defend the privileges of parliament." And so, when the sergeant had delivered his message, he was no more called in; but a message sent to the king, "that the members should be forthcoming as "soon as a legal charge should be preferred against "them;" and so the house adjourned till the next day, every one of the accused persons taking a copy of that order, which was made for their security.

The king goes to the house of commons to demand them.

The next day in the afternoon, the king, attended only by his own usual[i] guard, and some few gentlemen, who put themselves into their company in the way, came to the house of commons; and command-

[e] that] the
[f] members,] member,
[g] it] that it
[h] for] *Not in MS.*
[i] usual] *Not in MS.*

ing all his attendants to wait at the door, and give[k] offence to no man; himself, with his nephew, the prince elector, went into the house, to the great amazement of all: and the speaker leaving the chair, the king went into it; and told the house, "he was sorry for that occasion of coming to them; "that yesterday he had sent his sergeant at arms "to apprehend some, that, by his command, were "accused of high treason; whereunto he expected "obedience, but instead thereof he had received a "message. He declared to them, that no king of "England had been ever, or should be, more care-"ful to maintain their privileges, than he would be; "but that in cases of treason no man had privilege; "and therefore he came to see if any of those per-"sons, whom he had accused, were there; for he "was resolved to have them, wheresoever he should "find them: and looking then about, and asking "the speaker whether they were in the house, and "he making no answer, he said, he perceived the "*birds were all flown*, but expected they should be "sent to him, as soon as they returned thither; and "assured them in the word of a king, that he never "intended any force, but would proceed against "them in a fair and legal way;" and so returned to Whitehall. BOOK IV. 1642.

The accused persons, upon information and intelligence what his majesty intended to do, how secretly soever it was carried at court, having withdrawn from the house about half an hour before the king came thither; the house, in great disorder, as soon as the king was gone, adjourned till the next

[k] give] to give

BOOK IV. 1642. day in the afternoon; the lords being in so great apprehension upon notice of the king's being at the house of commons, that the earl of Essex expressed a tender sense he had of the inconveniences which were like to ensue those divisions; and moved, "that "the house of peers, as a work very proper for them, "would interpose between the king and his people; "and mediate to his majesty on the behalf of the "persons accused;" for which he was reprehended by his friends, and afterwards laughed at himself, when he found how much a stronger defence they had, than the best mediation could prove on their behalf.

How secretly soever this affair was carried, it was evident that the king's resolution of coming to the house had been discovered,[y] by the members withdrawing themselves, and by a composedness, which appeared in the countenances of many, who used to be disturbed at less surprising occurrences; and though the purpose of accusing the members was only consulted between the king and the lord Digby; yet it was generally believed, that the king's purpose of going to the house was communicated to[z] William Murray of the bed-chamber, with whom the lord Digby had great friendship; and that it was discovered[a] by him. And that lord, who had promised the king to move the house for the commitment of the lord Kimbolton, as soon as the attorney general should have accused him, (which if he had done would probably have raised a very hot dispute in the house, where many would have joined with him,) never

[y] the king's resolution of coming to the house had been discovered,] the coming of the kipg to the house was discovered,

[z] to] with

[a] discovered] betrayed

spoke[b] the least word; but, on the contrary, seemed the most surprised and perplexed with the attorney's impeachment; and sitting at that time next the lord Kimbolton,[c] with whom he pretended to live with much friendship, he whispered him in the ear with some commotion, (as he had a rare talent in dissimulation,) "that the king was very mischievously "advised; and that it should go very hard, but he "would know whence that counsel proceeded; in "order to which, and to prevent further mischief, he "would go immediately to his majesty;" and so went out of the house.

Whereas he was the only person who gave the counsel, named the persons, and particularly the lord Kimbolton,[d] (against whom less could be said, than against many others, and who was more generally beloved,) and undertook to prove that the said lord Kimbolton told[e] the rabble, when they were about the parliament-house, that they should go to Whitehall. When[f] he found the ill success of the impeachment in both houses, and how unsatisfied all were with the proceeding, he advised the king the next morning to go to the guildhall, and to inform the mayor and aldermen of the grounds of his proceedings;[g] which will be mentioned anon. And that people might not believe, that there was any dejection of mind, or sorrow, for what was done; the same night, the same council caused a proclamation to be prepared for the stopping the ports; that the

[b] spoke] spake

[c] next the lord Kimbolton,] next to the lord Mandeville,

[d] particularly the lord Kimbolton,] particularly named the lord Mandeville,

[e] the said lord Kimbolton told] he bade

[f] When] And when

[g] proceedings;] proceeding;

BOOK IV. 1642.

accused persons might not escape out of the kingdom; and to forbid all persons to receive and harbour them: when it was well known, that they were all together in a house in the city, without any fear of their security. And all this was done without the least communication with any body, but the lord Digby, who advised it; and, it is very true, was so willing to take the utmost hazard upon himself, that he did offer the king, when he knew in what house they were together, with a select company of gentlemen, who would accompany him, whereof sir Thomas Lunsford was one, to seize upon them, and bring them away alive, or leave them dead in the place: but the king liked not such enterprises.

The persons accused remove into the city.

That night the persons accused removed themselves into their strong hold, the city: not that they durst not venture themselves at their old lodgings, for no man would have presumed to trouble them, but that the city might see, that they relied upon that place for a sanctuary of their privileges against violence and oppression; and so might put on an early concernment for them. And they were not disappointed; for, in spite of all the lord mayor could do to compose their distempers, (who, like a very wise and stout magistrate, bestirred himself,) the city was that whole night in arms; some people, designed to that purpose, running from one gate to another, and crying out, "that the *cavaliers* were "coming to fire the city;" and some saying, "that "the king himself was in the head of them."

The king goes into the city, and speaks to the citizens.

The next morning, the king, being informed of much that had passed that night, according to the advice he had received, sent to the lord mayor to call a common council immediately; and about ten

of the clock, himself, attended only by three or four lords, went to the guildhall; and in the room, where the people were assembled, told them, "he was very "sorry to hear of the apprehensions they had enter- "tained of danger; that he was come to them, to "shew how much he relied upon their affections for "his security and guard, having brought no other "with him; that he had accused certain men of high "treason, against whom he would proceed in a legal "way; and therefore he presumed they would not "shelter them in the city." And using many other very gracious expressions of his value of them, and telling one of the sheriffs, (who was of the two thought less inclined to his service,) "that he would "dine with him," he departed without that applause and cheerfulness, which he might have expected from the extraordinary grace he vouchsafed to them. And in his passage through the city, the rude people flocked[h] together, and cried[i] out, "Privilege of par- "liament, privilege of parliament;" some of them pressing very near his own coach, and amongst the rest one calling out with a very loud voice, "To "your tents, O Israel." However the king, though much mortified, continued his resolution, taking little notice of the distempers; and, having dined at the sheriff's, returned in the afternoon to Whitehall; and published, the next day, a proclamation for the apprehension of all those, whom he had[k] accused of high treason, forbidding any person to harbour them; the articles of their charge being likewise printed and dispersed.

When the house of commons next met, none of

[h] flocked] flocking [i] cried] crying [k] had] *Not in MS.*

BOOK IV.

1642. the accused members appearing, they had friends enough, who were well[l] instructed to aggravate the late proceedings, and to put the house into a thousand jealousies and apprehensions, and every slight circumstance carried weight enough in it to disturb their minds. They took very little notice of the accusing the members; but the king's coming to the house, which had been never known before, and declaring, "that he would take them wherever[m] he "found them, was an evidence, that he meant himself to have brought a force into the house, to apprehend them, if they had been there;" and[n] was looked upon as the highest breach of privilege that could possibly be imagined. They who spoke[o] most passionately, and probably meant as maliciously, behaved themselves with modesty, and seemed only concerned in what concerned them all; and concluded, after many lamentations, "that they did not "think themselves safe in that house, till the minds "of men were better composed; that the city was "full of apprehensions, and was very zealous for "their security; and therefore wished that they "might adjourn the parliament to meet in some "place in the city." But that was found not practicable; since it was not in their own power to do it, without the consent of the peers, and the concurrence of the king; who were both like rather to choose a place more distant from the city. So,[p] with more reason, in the end they concluded, "that the "house should adjourn itself for two or three days, "and name a committee, who[q] should sit both morn-

The house of commons adjourning themselves for some days, name a committee to sit in the city:

[l] well] well enough
[m] wherever] where
[n] and] *Not in MS.*
[o] spoke] spake
[p] So,] And,
[q] who] which

" ing and afternoon in the city;" and all who came to have voices: and Merchant-Tailors' hall was appointed for the place of their meeting; they who served for London undertaking, " that it should be " ready against the next morning:" no man opposing or contradicting any thing that was said; they, who formerly used to appear for all the rights and authority which belonged to the king, not knowing what to say, between[r] grief and anger that the violent party had, by these late unskilful actions of the court, gotten great advantage, and recovered new spirits: and the three persons before named, without whose privity the king had promised that he would enter upon no counsel,[s] were so much displeased and dejected, that they were inclined never more to take upon them the care of any thing to be transacted in the house: finding already, that they could not avoid being looked upon as the authors of those counsels, to which they were so absolute strangers, and which they so perfectly detested.

And in truth, they had then withdrawn themselves from appearing often in the house, but upon the abstracted consideration of their duty and conscience, and of the present ill condition the king was in; who likewise felt within himself the trouble and agony which usually attends generous and magnanimous minds, upon their having committed errors, which expose them to censure and to damage. In fine, the house of commons adjourned for some days, to consult with their friends in the city; and the house of lords held so good correspondence with them, that they likewise adjourned to the same days

The lords likewise adjourning for the same days

[r] between] and between

[s] no counsel,] no new counsel,

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they knew, by some intelligence, the commons[t] intended to meet again. But the lords made no committee to sit in the city.

The transactions of the committee in the city.

When the committee met the next morning at Merchant-Tailors' hall, where all who came were to have voices, and whither all did come at first, out of curiosity to observe what method they meant to proceed in, rather than expectation that they should be able to do any good there; they found a guard ready to attend them, of substantial citizens in arms, and a committee from the common council, to bid them welcome into the city; and to assure them, "that "the city would take care, that they and all their "members should be secured from violence; and to "that purpose had appointed that guard to attend "them, which should be always relieved twice a "day, if they resolved to sit morning and after-"noon;" and acquainted them further, "that the "common council, in contemplation that they might "stand in want of any thing, had likewise appointed "a committee of so many aldermen, and such a "number of the common council, which should meet "always[u] at a place named, at those hours, which "that committee should appoint to meet at; to the "end that, if any thing were to be required of the "city, they might still know their pleasure, and take "care that it should be obeyed." Thus[x] they had provided for such a mutual communication and confederacy, that they might be sure always to be of one mind, and the one to help the other in the prosecution of those designs and expedients, which they

[t] the commons] they

[u] meet always] always meet

[x] Thus] And thus

should find necessary to their common end: the committee of the city consisting of the most eminent persons, aldermen and others, for their disaffection to the government of church and state.

At their first sitting, the committee begun[y] with the stating the manner of the king's coming to the house, and all he did there; the several members mentioning all that they would take upon them to remember of his majesty's doing or speaking, both as he came to the house, and after he was there; some of them being walking in Westminster-hall when the king walked through, and so came to the house with him, or near him; others reporting what they heard[z] some of the great men,[a] who attended his majesty, say, as they passed by; every idle word having its commentary; and the persons, whoever were named, being appointed to attend; they having power given them to send for all persons, and to examine them touching that affair. Nor had any man the courage to refuse to obey their summons; so that all those of the king's servants, who were sent for, appeared punctually at the hour that was assigned them; and were examined upon all questions, which any one of the committee would propose to them, whereof many were very impertinent, and of little respect to the king.

It was very well known where the accused persons were, all together in one house in Coleman-street, near the place where the committee sat; and whither persons trusted passed to and fro to communicate and receive directions; but it was not season-

[y] begun] began

[z] heard] had heard

[a] great men,] gentlemen,

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able for them[b] yet to appear in public, and to come and sit with the committee, or to own the believing that they thought themselves safe from the violence and the assaults of the court; the power whereof they exceedingly contemned, whilst they seemed to apprehend it: nor was it yet time to model in what manner their friends in the city and the country should appear concerned for them; in preparing whereof no time was lost.

Against the day[c] the house was to meet, the first adjournment not being for above two or three days, the committee had prepared matter enough for a report; a relation of all they had discovered upon their examinations, and such votes as they thought fit to offer upon the breach of their privilege; that they might thereby discover the affections of the house, of which they could not yet take any measure, seeing[d] there had been no debate since those accidents, which could discover the general temper; which they well enough knew was not before to their advantage. In the mean time, they used all the ways they could to asperse those, who used to oppose them, as the contrivers of the late proceedings; and were willing they should know it; which they imagined would restrain them from taking the same liberty they had used to do.[e]

[b] seasonable for them] time for them

[c] the day] the time

[d] seeing] since

[e] used to do.] *MS. adds:* And some friends of Mr. Hyde, who loved him very well, told him under what reproach he lay, which was the greater by his known friendship in the lord Digby; and advised him so to carry himself in the debates which should arise upon that matter, that it might evidently appear that he did not approve of it, or was privy to it. And so at their meeting, &c.

Votes of the house of commons upon their first meeting again.

And so at their meeting in the house, upon the report of the committee, they declared, "That the "king's coming to the house, and demanding the "persons of divers members thereof to be delivered "unto him, was a high breach of the rights and pri- "vileges of parliament, and inconsistent with the "liberty and freedom thereof: and therefore that "they could not with the safety of their own per- "sons, or the indemnity of the rights and privileges "of parliament, sit there any longer, without a full "vindication of so high a breach, and a sufficient "guard, wherein they might confide; and for that "reason did order, that their house should be again "adjourned for four days; and that the committee "should meet in the same place, to consider and re- "solve of all things, that might concern the good "and safety of the city, and the kingdom; and par- "ticularly how their privileges might be vindicated, "and their persons secured; and should have power "to consult and advise with any person or persons, "touching the premises." And this order and declaration being made, they adjourned; the last clause being intended to bring their members to them.

At the meeting of the house, the committee had informed them, first of the great civilities they had received from the city in all the particulars, that they might have order to return the thanks of the whole house, which they easily obtained; and, at their return, they took more examinations than they had formerly; by which they made a fuller relation of the king's coming to the house, and his carriage and words there. And because it was visible to all men, that the king was so far from bringing any force with him, which they desired it should be be-

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lieved he had brought,[f] that he had only his guard of halberdiers, and fewer of them than used to go with him on[g] any ordinary motion; and that fewer of his gentlemen servants were then with him, than usually attended him when he went but to walk in the park; and had only their little swords; they were very punctual in mentioning any light or loose words, which had fallen from any man, that it might be believed that there was more in the matter. As they carefully inserted in their relation, that one of the waiters, as he walked very near his majesty through the hall, said, "he had a good pistol in his pocket;" and that another, as they were walking up the stairs towards the house of commons, called out, *Fall on;* from which they would have it believed, that there had been very bloody intentions.

Then they proposed[h] some votes to be offered to the house, in which they voted "the relation, which "was made, to be true; and thereupon, that the "king's coming to the house[i] was the highest breach "of the privilege of parliament that could be made; "and that the arresting, or endeavouring to arrest, "any member of parliament, was a high breach of "their privilege; and that the person, who was so "arrested, might lawfully rescue and redeem him-"self; and that all who were present, and saw the "privilege of parliament so violated, might and "ought to assist the injured person in his defence, "and to procure his liberty with force." And these votes the house confirmed, when they were reported:

[f] it should be believed he had brought,] should be believed,

[g] on] upon

[h] proposed] offered

[i] coming to the house] coming to the house in that manner

though, in the debate, it was told them,[k] "that they "must take heed, that they did not, out of tender- "ness of their privilege, which was and must be very "precious to every man, extend it further than the "law would suffer it to be extended: that the house "had always been very severe upon the breach of "any of their privileges, and in the vindicating those "members, who were injured; but that the dis- "posing men to make themselves judges, and to "rescue themselves or others, might be of evil con- "sequence, and produce ill effects; at least if it "should fall out to be, that the persons were ar- "rested for treason, or felony, or breach of the "peace; in either of which cases, there could be no "privilege of parliament." This, though a known truth to any, who knew any thing of the law, was received with noise and clamour, and with wonderful evidence of dislike, and some faint contradictions, "that no such thing ought to be done whilst a par- "liament was sitting:" and then, falling upon the late action of the king, and the merit of those persons, and without much contradiction, which was found to be ungrateful, the house confirmed all that the committee had voted; and then adjourned again for some days, and ordered the committee to meet again in the city; which they did morning and afternoon, and prepared other votes of a brighter allay, and more in the face of the king and the law, every day adding to the fury and fierceness of the precedent. The house met and sat,[l] only to confirm the

[k] though, in the debate, it was told them,] *Originally thus in MS. B.:* which caused some debate, and Mr. Hyde (notwithstanding the good advice that had been given to him) told them,

[l] The house met and sat,] And the house meeting and sitting,

BOOK IV. votes which were passed by the committee, and to prosecute such matters as were by concert brought
1642. to them, by petition from the city; which was ready to advance any thing they were directed: and so, whilst the members yet kept themselves concealed, many particulars of great importance were transacted in those short sittings of the house.

The king about this time, having found the inconvenience and mischief to himself of having no servant of interest and reputation, and who took his business to heart, in the house of commons, had made the lord Falkland and sir John Colepepper, both members of that house, and of unblemished reputations and confessed abilities, of his privy council; and the one, the lord Falkland, his principal secretary of state, and sir John Colepepper, chancellor of the exchequer; as is said before. And so, having now gotten two counsellors about him, who durst trust one another, and who were both fit to be trusted by him, which he had been without above a year past, to his and the kingdom's irreparable disadvantage; he thought fit to publish a declaration to all his subjects, in answer to the remonstrance he had lately received from the house of commons, and was dispersed throughout the kingdom. In which, without the least sharpness or return of the [m] language he had received, he took notice "of the fears and "jealousies," (for those were the new words, which served to justify all indispositions, and to excuse all disorders,) "which made impression in the minds of "his people, with reference to their religion, their li- "berty, or their civil interests."

The king's answer to the house of commons' former remonstrance.

[m] the] that

"As to their religion,[n] he observed the fears to "be of two sorts; either as ours here established "might be invaded by the Roman[o] party; or as it "was accompanied with some ceremonies, at which "some tender consciences or[p] really were, or pre- "tended to be, scandalized. For the first, as there "might be any suspicion of favour or inclination to "the papists, he said, he was willing to declare to all "the world, that, as he had been brought up from "his childhood in, and practised that religion, which "was established in the church of England; so he "believed he could, having given a good part of his "time and pains to the examination of the grounds "of it, as it differed from that of Rome, maintain "the same by unanswerable reasons; and hoped he "should be ready to seal it with[q] the effusion of his "blood, if it should please God to call him to that "sacrifice: and that nothing could be so acceptable "to him, as any proposition, which might contribute "to the advancement of it here, or[r] the propagation "of it abroad; this[s] being the greatest means to "draw down a blessing from God upon himself, and "this nation; and if this profession of his was want- "ing to his people, he thought himself extremely "unfortunate, for that his constant practice in his "own person had always been, without ostentation, "as much to evidence[t] his care and duty therein, as "he could possibly tell how to express.

"As[u] for matters of ceremony, he said, he would,

[n] "As to their religion,] For religion,

[o] Roman] Romish

[p] or] *Not in MS.*

[q] with] by

[r] or] as

[s] this] *Not in MS.*

[t] to evidence] to the evidence of

[u] As] *Not in MS.*

BOOK IV. 1642.

" in tenderness to any number of his loving subjects, " be willing to comply with the advice of his parliament, that some law should be made for the exemption of tender consciences from punishment or prosecution for neglecting[x] such ceremonies; and " in such cases, which by the judgment of most men " are held to be matters indifferent, and of some to " be absolutely unlawful. Provided that that case " should be attempted, and pursued with that modesty, temper, and submission, that in the mean " time the peace and quiet of the kingdom should " not be disturbed, the decency and comeliness of " God's service not[y] discountenanced, nor the pious, " sober, and devout actions of those reverend persons, who were the first labourers in the blessed " reformation, or of that time, be scandalized and " defamed. For, he said, he could not, without grief " of heart, and without some tax upon himself and " his ministers for the not execution of the laws, " look upon the bold licence of some men in printing " of pamphlets, in preaching and printing of sermons " so full of bitterness and malice against the present " government, against the laws established; so full " of sedition against his own person, and the peace " of the kingdom; that he was many times amazed " to consider by what eyes those things were seen, " and by what ears they were heard.

" Concerning the civil liberties and interests of " the subjects, he said, he should need say the less, " having erected so many lasting monuments of his " princely and fatherly care of his people, in those " excellent laws passed by him this parliament;

[x] neglecting] *Not in MS.*

[y] not] *Not in MS.*

" which, with very much content to himself, he said,
" he conceived to be so large and ample, that very
" many sober men had little [z] left to wish for of that
" kind. He told them, he very well understood the
" rights and particular advantages, he had departed
" from in many of the acts he had passed; and there-
" fore he had reason to hope, as he had taken all oc-
" casions to render their condition most comfortable
" and happy; so they would, in grateful and dutiful
" return, [a] be always ready with equal tenderness
" and alacrity to advance his rights, and prefer [b] his
" honour, upon which their own security and sub-
" sistence so much depended; and no particular
" should be presented unto him for the completing
" and establishing that security, to the which he
" would not with the same readiness contribute his
" best assistance. He said, if those resolutions were
" the effects of his present counsels, and he took God
" to witness that they were such, and that his sub-
" jects might confidently expect the benefit of them
" from him, certainly no ill design upon the public
" could accompany such resolutions; neither could
" there be great cause of suspicion of any persons
" preferred by him to degrees of honour, and places
" of trust and employment, since this parliament:
" and therefore, that amongst his misfortunes he
" reckoned it not the least, that, having not retained
" in his service, nor protected any one person,
" against whom the parliament had excepted, during
" the whole sitting of it; and having in all that time
" scarce vouchsafed to any man an instance of his

[z] little] very little
[a] return,] relation,
[b] prefer] preserve

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" favour or grace, but to such who were under some " eminent character of estimation amongst the peo- " ple, there should so soon be a misunderstanding[c] " or jealousy of their fidelity and uprightness; espe- " cially in a time, when he took all occasions to de- " clare, that he conceived himself capable of being " served only[d] by honest men, and in honest ways.

" However, if he had been mistaken in such his " election, the particular should no sooner be disco- " vered to him, either by his own observation, or " other certain information, than he would leave " them to public justice, under the marks of his dis- " pleasure. If, notwithstanding this, any malignant " party should take heart, and be willing to sacrifice " the peace and happiness of their country to their " own sinister ends and ambitions, under what pre- " tence of religion and conscience soever; if they " should endeavour to lessen his reputation and in- " terest, and to weaken his lawful power and authori- " ty with his good subjects; if they should go about, " by discountenancing the present laws, to loosen the " bonds of government, that all disorder and confu- " sion might break in; he doubted not, but God in " his good time would discover them; and the wis- " dom and courage of his high court of parliament " would[e] join with him in their suppression and " punishment.

" Having said all he could, to express the clear- " ness and uprightness of his intentions, and done all " he could to manifest those intentions, he said, he

[c] be a misunderstanding] be any misunderstanding

[d] capable of being served only] only capable of being served

[e] would] *Not in MS.*

" could not but confidently believe, all his good sub- BOOK
" jects would acknowledge his part to be fully per- IV.
" formed, both in deeds past, and present resolutions 1642.
" to do what with justice might be required of him;
" and that their quiet and prosperity now depended
" wholly on themselves, and was in their own power,
" by yielding all obedience and due reverence to
" the law; which is the inheritance of every subject,
" and the only security he can have for his life, li-
" berty, and estate; and the which being neglected
" or disesteemed, under what specious shows soever,
" a great measure of infelicity, if not an irreparable
" confusion, must without doubt fall upon them.
" And he doubted not, it would be the most accept-
" able declaration a king could make to his subjects,
" that he was not only resolved to keep[f] the laws
" himself, but to maintain them against what oppo-
" sition soever, though with the hazard of his being.
" He hoped the loyalty and good affections of all his
" subjects would concur with him in the constant
" preserving a good understanding between him and
" his people; and that their own interest, and com-
" passion of the lamentable condition of the poor
" protestants in Ireland, would invite them to a fair
" intelligence and unity amongst themselves; that
" so they might, with one heart, intend the reliev-
" ing and recovering that unhappy kingdom; where
" those barbarous rebels practised such inhuman and
" unheard of outrages upon the miserable people,
" that no Christian ear could hear without horror,
" or story parallel. He concluded with conjuring all
" his good subjects, of what degree or quality soever,

[f] [to keep] to observe

BOOK IV. 1642.

" by all the bonds of love, duty, and obedience, that " are precious to good men, to join with him for the " recovery of the peace of that kingdom, and the " preservation of the peace of this; to remove all " the doubts and fears which might interrupt their " affection to him, and all their jealousies and ap- " prehensions, which might lessen their charity to " each other; and then, he said, if the sins of the " nation had not prepared an inevitable judgment " for all, God would make him a great and glorious[g] " king over a free and happy people."

Though this declaration had afterwards a very good influence upon the people to his majesty's advantage, yet for the present it gave no allay to their distempers. Their seditious ministers were despatched to inflame the neighbour counties, and all possible art was used to inflame the city of London; which prevailed so far, that, notwithstanding all the opposition the lord mayor of London, the recorder, and the gravest and most substantial aldermen could make, the major part of the common council prevailed to send a petition to the king, in the name of the mayor, aldermen, and common council of the city of London; which was the next Sunday morning delivered to him, with great solemnity, at Whitehall, by a number chosen of that body; representing " the " great dangers, fears, and distractions, the city then " was in, by reason of the prevailing progress of the " bloody rebels of Ireland; the putting out of per- " sons of honour and trust from being constable and " lieutenant of the Tower, especially in those times, " and the preparations there lately made; the for-

The city petitions the king.

[g] and glorious] and a glorious

" tifying Whitehall with men and ammunition [h] in
" an unusual manner; some of which men abused
" and wounded divers citizens passing by; the call-
" ing in divers cannoniers, and other assistance into
" the Tower; the discovery of divers fireworks in the
" hands of papists, [i] and the misunderstanding be-
" tween his majesty and the parliament. That their
" fears were exceedingly increased by his majesty's
" late going into the house of commons, attended by
" a multitude [k] of armed men, for the apprehending
" of divers members of that house, to the endanger-
" ing his own person, and the persons and privileges
" of that honourable assembly. That the effects of
" those fears tended not only to the overthrow of
" the whole trade of that city and kingdom, which
" they felt already in a deep measure, but threaten-
" ed the utter ruin of the protestant religion, and
" the lives and liberties of all his subjects; and
" therefore they prayed his majesty, that, by the
" advice of his great council in parliament, the pro-
" testants in Ireland might be speedily relieved; the
" Tower put into the hands of persons of trust; that,
" by removal of doubtful and unknown persons from
" about Whitehall and Westminster, a known and
" approved guard might be appointed for the safety
" of his majesty and the parliament; and that the
" lord Kimbolton, [l] and the five members of the
" house of commons lately accused, might not be re-
" strained of liberty, or otherwise proceeded against,
" than according to the privileges of parliament."

The king very well understood from what spirit

[h] ammunition] munition
[i] of papists,] of a papist,
[k] a multitude] a great multitude
[l] lord Kimbolton,] lord Mandeville,

BOOK IV. 1642.

this petition proceeded, and the inconvenience of giving so much countenance to it, as the very receiving it was, if he could have avoided it. But the torrent was too strong to be resisted by any direct strength he could raise against it; and therefore he resolved to endeavour to divide and reduce them, by the most gracious descending to their pretended fears and apprehensions; and the same day gave them this answer; "That, for the sad business of Ireland, "he could not possibly express a greater sense than "he had done, there being nothing left on his part "unoffered, or undone. For the Tower, he wonder- "ed that, having removed a servant of trust from "that charge, only to satisfy the fears of the city, "and put in another of unquestionable reputation "and known ability, the petitioners should still en- "tertain those fears; and whatsoever[m] preparation "of strength was there made, was with as great an "eye of safety and advantage to the city, as to his "own person, and should be equally employed to "both.

His majesty's answer.

"For the fortifying Whitehall with men and am- "munition[n] in an unusual way, he doubted not, "that[o] they had observed the strange provocation "he had received to entertain that guard; that, by "the disorderly and tumultuous conflux of people at "Westminster and Whitehall, his great council was "not only disquieted, but his own royal person in "danger; most seditious language being uttered "even under his own windows. And if any citizens "had been wounded, or ill treated, he was confidently

[m] whatsoever] whatever
[n] ammunition] munition
[o] that] *Not in MS.*

" assured, that it had happened by their own evil
" and corrupt demeanours. For the fireworks in the
" hands of a papist, he knew nothing, nor understood
" whom, or what they meant.

" For his going to the house of commons, when
" his attendants were no otherwise armed than as
" gentlemen with swords, he was persuaded, that if
" they knew the clear grounds, upon which those
" persons stood accused of high treason, and what
" would be proved against them, with which they
" should in due time be [p] acquainted, and considered
" the gentle way he took for their apprehension,
" (which he preferred before any course of violence,
" though that way had been very justifiable; since
" it was notoriously known, that no privilege of par-
" liament can extend to treason, felony, or breach of
" peace, [q]) they would believe his going thither was
" an act of grace and favour to that house, and the
" most peaceable way of having that necessary ser-
" vice performed; there being such orders made for
" the resistance of what authority soever for their
" apprehension: and for the proceedings against
" those persons, he ever intended the same should
" be with all justice and favour, according to the
" laws and statutes of the realm; to which [r] all in-
" nocent men would cheerfully submit. And this [s]
" extraordinary way of satisfying a petition of so un-
" usual a nature, he said, he was confident would be
" thought the greatest instance could be given of his
" clear intentions to his subjects; and of the singu-
" lar esteem he had of the good affections of that

[p] in due time be] be in due time

[q] of peace,] of the peace,

[r] to which] to the which

[s] this] that

BOOK IV. 1642.

" city, which he hoped in gratitude would never be " wanting to his just commands and service."

It was no wonder that they, who at such a time could be corrupted to frame and deliver such a petition, would not be reformed by such an answer. Neither will it be here unseasonable, to spend a little time in considering how the affections and tempers of so rich and opulent a city, which could naturally expect to prosper only by peace and agreement, were wrought upon and transported to that degree, as to be the chief[t] instruments of its own and the kingdom's destruction.

The state and temper of the city of London at that time.

The city of London, as the metropolis of England, by its[u] situation the most capable of trade, and by the most usual residence of the court, and the fixed station of the courts of justice for the public administration thereof[x] throughout the kingdom, the chief seat of trade, was, by the successive countenance and favour of princes, strengthened with great charters and immunities, and was a corporation governed within itself; the mayor, recorder, aldermen, sheriffs, chosen by themselves; several companies incorporated within the great corporation; which, besides notable privileges, enjoyed lands and perquisites to a very great revenue. By the incredible increase of trade, which the distractions of other countries, and the peace of this, brought, and by the great licence of resort thither, it was, since this king's access to the crown,[y] in riches, in people, in buildings, marvellously increased, insomuch as the suburbs were

[t] chief] only
[u] by its] by the
[x] administration thereof] administration of justice
[y] this king's access to the crown,] the access of the crown to the king,

almost equal to the city; a reformation of which had been often in contemplation, never pursued, wise men foreseeing that such a fulness could not be there, without an emptiness in other places; and whilst so many persons of honour and estates were so delighted with the city, the government of the country must be neglected, besides the excess, and ill husbandry, that would be introduced thereby. But such foresight was interpreted a morosity, and too great an oppression upon the common liberty; and so, little was applied to prevent so growing a disease.

As it had these and many other advantages and helps to be rich, so it was looked upon too much of late time as a common stock not easy to be exhausted, and as a body not to be grieved by ordinary acts of injustice; and therefore, as it was a place of resort, [z] in all cases of necessity, for the sudden borrowing great sums of money, in which they were commonly merchants too good [a] for the crown, so it was become a practice, [b] upon any specious pretences, to void the security, that was at any time given for money so borrowed.

Thus [c] after many questionings of their charter, which were ever removed by considerable sums of money, a grant made by the king in the beginning of his reign, (in consideration of great sums of money,) of good quantities of land in Ireland, and of [d] the city of Londonderry there, was voided [e] by a suit

[z] as it was a place of resort,] it was not only a resort,

[a] merchants too good] too good merchants

[b] so it was become a practice,] but it was thought reasonable,

[c] Thus] So

[d] of] *Not in MS.*

[e] voided] avoided

BOOK IV. 1642.

in the star-chamber; all the lands, after a vast expense in building and planting, resumed into the king's hands, and a fine of fifty thousand pounds imposed upon the city. Which sentence being pronounced after a long and public hearing, during which time they were often invited to a composition, both in respect of the substance, and the circumstances of proceeding, made a general impression in the minds of the citizens of all conditions, much to the disadvantage of the court; and though the king afterwards remitted to them the penalties [f] of that sentence, they imputed that to the power of the parliament, and rather remembered how the benefit of their grant [g] had been taken from them, than by whom it was restored: so that, at the beginning of the parliament, the city was as ill affected to the court as the country was; and therefore chose such burgesses to sit there, as had either eminently opposed the court, [h] or accidentally been oppressed by it.

The chief government and superintendency of the city is in the mayor and aldermen; which, in that little kingdom, resembles the house of peers; and [i] the common council is the representative body thereof, like the house of commons, to order and agree to all taxes, rates, and such particulars belonging to the civil policy. The common council are chosen every year, so many for every parish, of the wisest and most substantial citizens, by the vestry and common convention of the people of that parish; and as the wealthiest and best reputed men were commonly chosen, [k] so, though the election was once a year, it

[f] penalties] benefit
[g] the benefit of their grant] it
[h] the court,] it,
[i] and] and as subordinate
[k] commonly chosen,] always chosen,

was formerly[l] scarce ever known, that any man once chosen was afterwards rejected or left out, except upon discovery of an enormous crime, and[m] decaying in fortune to a bankrupt; otherwise, till he was called to be alderman, or died, he continued, and was every year returned of the common council.

After the beginning of this parliament, when those who steered at Westminster found[n] by their experience in the case of the earl of Strafford, of what consequence the city might be to them, and afterwards found, by the courage of the present lord mayor, sir Richard Gourney, who cannot be too often or[o] too honourably mentioned, that it might be kept from being disposed by them; and that the men of wealth and ability, who at first had concurred with them, begun[p] now to discern that they meant to lead them further than they had a mind to go; they directed their confidents, that at the election of the common councilmen by the concurrence and number of the meaner people, all such who were moderate men, and lovers of the present government, should be rejected; and in their places men of the most active and pragmatical heads, of how mean fortunes soever, should be elected: and by this means that[q] body in great part now[r] consisted of upstart, factious, indigent companions, who were ready to receive all advertisements and directions from Westminster,[s] and as forward to encroach upon their superiors, the mayor and alder-

[l] formerly] *Not in MS.*
[m] and] or
[n] those who steered at Westminster found] they found
[o] or] nor
[p] begun] began
[q] that] all that
[r] in great part now] *Not in MS.*
[s] from Westminster,] from those who steered at Westminster,

BOOK IV.

men [t]. And so this firebrand of privilege inflamed the city at that time.

1642. That they might gratify the city in procuring a better answer than they had received from the king to their petition, and that they might more expose his majesty to their affronts, the house resumed the business of the Tower again, with the old reflections upon the removal [u] of the former good lieutenant, and the putting in a rude person, and of a desperate fortune, as they called him,[x] that he might use such prisoners, as there was an intent to send thither, in such a manner as he should be directed; and that the person, who was since put in, had put the city into great apprehensions, by the observation that was made, that he took great store of provisions into the Tower, as if he made provision for a greater garrison, which raised great jealousies; and there was a petition brought, and delivered to the houses in the names of several merchants who used to trade to the mint; in which [y] they desired that there might be such a person made lieutenant of the Tower, "as they could confide in," (an expression that grew from that time to be much used,) without which no man would venture bullion into the mint, and by consequence no merchant would bring it into the kingdom. Whereas in truth there was no gentleman of the kingdom of a better reputation amongst all sorts of men, and there had been more bullion brought into the mint in the short time of his being lieutenant, than had been in many

[t] aldermen] *MS. adds:* as the other was upon the house of peers.

[u] removal] remove

[x] as they called him,] *Not in MS.*

[y] in which] and

months before: and amongst those persons, which so solemnly delivered that petition, and had all subscribed it, there were very few who had ever sent any silver into the mint. However, the house entertained the complaint as very reasonable, and sent for a conference with the lords, with whom they prevailed to join with them in a desire to the king, "that he would remove sir John Byron from being "lieutenant of the Tower;" which the king for some time refused to do, till they pressed it in another manner, which shall be mentioned anon.

The committee of the commons still transacts in the city.

The committee, that still continued to sit in London, intended no other business, but their own privileges; sent for, and examined, as hath been said, all men who had attended his majesty, or had been casually present in the hall, or at the door of the commons' house, when the king was there: and all such examinations, as testified any extravagant discourse uttered by any loose fellow, who had accidentally put himself into the company, though it appeared he had no relation to the king's service, were carefully entered, and published; but such as declared the king's strict command against any violence or disorder, and his positive charge, that no man should presume to follow him into the house of commons, (as full proof was made to them of those particulars,) were as carefully suppressed and concealed.

The sheriffs of London had been [z] directed to appoint a guard to attend the committee, whilst it should continue there; [a] and then to guard the houses when they should again sit at Westminster.

[z] had been] were

[a] there;] at Guildhall;

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The accused persons, who lodged all this time in the city, were brought to the committee with much state, and sat with them to devise some way to vindicate themselves.

A declaration of the commons touching the five members.

Then a declaration was agreed upon by the commons only, in which was set forth, "that the cham- "bers, studies, and trunks of Mr. Hollis, sir Arthur "Haslerig, Mr. Pym, Mr. Hambden, and Mr. Strode, "had been by colour of his majesty's warrant sealed "up; which was not only against the privilege of "parliament, but the common liberty of every sub- "ject; that the same members[b] had been the same "day demanded by a sergeant at arms to be deli- "vered to him, that he might arrest them of high "treason; that the next day his majesty came to "the house in his own person, attended by a mul- "titude of armed men, in a warlike manner, with "halberds, swords, and pistols, who came up to the "very door of the house, and placed themselves "there, and in other places and passages near to "the house, to the great terror and disturbance of "the members then sitting; that his majesty, sit- "ting in the speaker's chair, demanded the persons "of those members to be delivered to him; which "was a high breach of the rights and privileges of "parliament, and inconsistent with the liberties "and freedom thereof; that afterwards his majesty "did issue forth several warrants to divers officers "under his own hand, for the apprehension of their "persons, which by law he could not do." And thereupon they declared, "that if any person should "arrest Mr. Hollis, &c. or any other member of par-

[b] same members] said members

" liament, by pretence of any warrant issuing out " from the king, he was guilty of the breach of the " privilege of parliament, and a public enemy of the " commonwealth; and that the arresting any mem- " ber of parliament, by any warrant whatsoever, " without consent of that house, whereof he is a " member, is a breach of the privilege of parlia- " ment: and the person that shall so arrest him is " declared a public enemy of the commonwealth." 1642.

They published, " that it did fully appear by se- " veral examinations, that many soldiers, papists " and others, to the number of about five hundred, " came with his majesty to the house of commons, " armed; and that some of them, holding up their " pistols cocked near the door of the house, which " they kept open, said, I am a good marksman; I " can hit right, I warrant you: and said, they " would have the door open; and if any opposition " was made, they made no question but they should " maintain their party; and that some said, A pox " take the house of commons; let them be hanged. " And when the king returned from the house, they " expressed great discontent, asking, when comes " the *word:* that some of them being demanded " what they thought the company intended to have " done, answered, that questionless in the posture " they were set in [c], if the *word* had been given, " they should have fallen upon the house of com- " mons, and have cut all their throats: upon which " they said they were of opinion, that the soldiers " and papists coming in that manner with his ma- " jesty was to take away some of the members of

[c] ' in] *Not in MS.*

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"the house; and if they should have found opposi-
"tion, or denial, then to have fallen upon the house
"in a hostile manner."

And they did thereupon declare, "That the same
"was a traitorous design against the king and par-
"liament. And whereas the persons accused had,
"with the approbation of the house, absented them-
"selves from the service of the house, for avoiding
"the great and many inconveniences, which other-
"wise might have happened; since which time, a
"printed paper in the form of a proclamation had
"issued out for the apprehending and imprisoning
"them, suggesting, that through the conscience of
"their guilt they were absent and fled;" they did further declare, "that the said printed paper was
"false, scandalous, and illegal; and that notwith-
"standing that printed paper, or any warrant is-
"sued out, or any other matter against them, they
"might and ought to[d] attend the service of the
"house, and the committees then on foot; and that
"it was lawful for all persons whatsoever to lodge,
"harbour, and[e] converse with them; and whoso-
"ever should be questioned for the same should be
"under the protection and privilege of parliament."

And they declared, "That the publishing the ar-
"ticles of high treason against the persons accused,
"was a high breach of the privilege of parliament,
"a great scandal to his majesty and his govern-
"ment, a seditious act, manifestly tending to the
"subversion of the peace of the kingdom, and an
"injury and dishonour to the members; and that[f]
"the privileges of parliament, and liberties of the

[d] to] *Not in MS.* [e] and] or [f] and that] that

" subject, so violated and broken, could not be fully " and sufficiently vindicated, unless the king would " be graciously pleased to discover the names of " those persons, who advised him to do the parti- " cular acts before mentioned, that they might re- " ceive condign punishment."

This strange declaration, so contrary to the known rules and judgments of law, and to the known practice and proceedings of parliament, was no sooner framed and agreed upon in the committee, than it was printed, and published throughout the city and kingdom, before it was confirmed by, or reported to the house; which is[g] against the custom of parliament. For, by that custom, no act done at any committee should be divulged before the same be reported to the house.

The truth is, it cannot be expressed how great a change there appeared to be in the countenance and minds of all sorts of people, in town and country, upon these late proceedings of the king. They, who had before even lost their spirits, having lost their credit and reputation, except amongst the meanest people, who could never have been made use of by them, when the greater should forsake them; and so despaired[h] of ever being able to compass their designs of malice, or ambition, (and[i] some of them had resumed[k] their old resolutions of leaving the kingdom,) now again recovered greater courage than ever, and quickly found that their credit

[g] which is—to the house.] *Thus in MS.:* which is against the law, and an express statute in that case provided, that no act done at any committee should be divulged before the same be reported to the house.

[h] despaired] despairing

[i] and] *Not in MS.*

[k] had resumed] were resuming

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and reputation was as great as ever it had been; the court being reduced to a lower condition, and to more disesteem and neglect, than ever it had undergone. All that they had formerly said of plots and conspiracies against the parliament, which had before been laughed at, was now[l] thought true and real; and all their fears and jealousies looked upon as the effects of their great wisdom and foresight. All that had been whispered of Ireland was now talked aloud and printed; as all other seditious pamphlets and libels were. The shops of the city generally shut up, as if an enemy were at their gates ready to enter, and to plunder them; and the people in all places at a gaze, as if they looked only for directions, and were then disposed to any undertaking.

On the other side, they who had, with the greatest courage and alacrity, opposed all their seditious practices, between grief and anger were confounded with the consideration of what had been done, and what was like to follow. They were far from thinking that the accused members had received much wrong; yet they thought it an unseasonable time to call them to an[m] account for it. That if any thing had been to be done of that kind, there should have been a fitter choice[n] of the persons, there being many of the house, of more mischievous inclinations, and designs against the king's person and the government, and were more exposed to the public prejudice, than the lord Kimbolton[o] was; who was a civil and well natured man, and had rather kept

[l] was now] were now
[m] an] *Not in MS.*
[n] fitter choice] better choice
[o] lord Kimbolton] lord Mandeville Kimbolton

ill company, than drank deep of that infection and poison, that had wrought upon many others. Then sir Arthur Haslerig and Mr. Strode were persons of too low an account and esteem; and though their virulence and malice was as conspicuous and transcendent as any man's,[p] yet their reputation and interest to do mischief,[q] otherwise than in concurring in it, was so small, that they gained credit and authority by being joined with the rest, who had indeed a great influence. However, since[r] there was a resolution to proceed against those men, it would have been much better to have caused them to have been all severally arrested, and sent to the Tower, or to other prisons, which might have been very easily done before suspected, than to send in that manner to the houses with that formality, which would be liable to so many exceptions. At least, they ought so far to have imparted it to members in both houses, who might have been trusted, that in the instant of the accusation, when both houses were in that consternation, (as in a great consternation they were,) somewhat might have been pressed confidently towards the king's satisfaction; which would have produced some opposition and contradiction, and might have[s] prevented that universal concurrence and dejection of spirit, which seized upon and possessed both houses.

But, above all, the anger and indignation was very great and general, that to all the other oversights and presumptions was added[t] the exposing the dignity, and majesty, and safety of the king, in

[p] man's,] men's,

[q] mischief,] any mischief,

[r] since] if

[s] and might have] which would have

[t] was added] *Not in MS.*

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his coming in person, in that manner, to the house of commons; and in going the next day, as he did, to the guildhall, and to the lord mayor's, which drew such reproaches upon him to his face. All which was justly imputed to the lord Digby, who had before fewer true friends than he deserved, and had now almost the whole nation his enemies, being the most universally odious of any man in it.

When the house of commons had passed such votes from the committee at Merchant-Tailors' hall, as they thought necessary, and had[u] once more adjourned thither, the committee asked the advice of the house, whether the accused members might be present with them, (who had in truth directed and governed all their proceedings from the time they sat there:) which was not only approved, but those members required to attend the house the next day it was to sit, and so to continue the service of the house, which was then adjourned for three or four days, that the city might appear in such a posture, as should be thought convenient.

The noise was so great of the preparations made in the city to bring the accused members in triumph to the parliament, and that the whole militia would accompany them, whilst the seamen and mariners made an appearance in barges, and other vessels, upon the Thames to Westminster, that[x] the king thought it convenient to remove again from Whitehall; and so on the tenth of January, which was the eve to that[y] great festival, his majesty, the queen, and the royal children, went from Whitehall to Hampton-court, waited on[z] by some few of their

The king and the royal family remove to Hampton-court.

[u] had] *Not in MS.*
[x] that] *Not in MS.*
[y] to that] to the
[z] waited on] attended

own household servants, and thirty or forty of those officers, who had attended at Whitehall for security against the tumults.

Before his going, he sent to the earls of Essex and Holland to attend him in his journey; who were both by their places, the one being lord chamberlain [a] of his household, the other the first [b] gentleman of his bedchamber, or groom of the stole, [c] obliged to that duty. The earl of Essex resolved to go; and to that purpose was making himself ready, when the earl of Holland came to him, and privately dissuaded him; assuring him, that if they two went, they should be both murdered at Hampton-court: whereupon they left the king to his small retinue in [d] a most disconsolate, perplexed condition, in more need of comfort and counsel, than they had ever known him; and, instead of attending their master in that exigent, they went together into the city, where the committee sat, and [e] where they were not the less welcome for being known to have been invited to have waited upon their majesties. They who wished the king best, were not sorry that he then withdrew from Whitehall; for the insolence, with which all that people were transported, and the animosity, which was infused into the hearts of the people in general against the court, and even against the person of the king, cannot be expressed.

Whilst the committee sat in London, the common council likewise met, as hath been said, [f] to the end

[a] lord chamberlain] his chamberlain

[b] first] prime

[c] or groom of the stole,] *Not in MS.*

[d] in] and in

[e] and] *Not in MS.*

[f] as hath been said,] *Not in MS.*

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they might be ready to comply in any particulars should be desired from the city; and so the committee having resolved, "that the actions of the "citizens of London, or of any other person whatsoever for the defence of the parliament, or the "privileges thereof, or the preservation of the members thereof, were according to their duty, and to "their late protestation, and the laws of this kingdom:" and if any person should arrest or trouble any of them for so doing, he was declared "to be "a public enemy of the commonwealth:" and in the next place having resolved, "that that vote should "be made known to the common council of the city "of London," the accused members about two of the clock in the afternoon on the eleventh of January, being the next day after the king went to Hampton-court, came from their lodgings in the city to Westminster, guarded by the sheriffs, and trained-bands of London and Westminster, and attended by a conflux of many thousands of people besides, making a great clamour against bishops and popish lords, and for the[g] privileges of parliament; some of them, as they passed by Whitehall, asking, with much contempt, "what was become of the king and his cava-"liers? and whither he was gone?"

The accused members are brought in triumph to Westminster, Jan. 11.

From London-bridge to Westminster, the Thames was guarded with above a hundred[h] lighters and long-boats, laden with small pieces of ordnance,[i] and dressed up with waist-clothes and streamers, as ready for fight. And that the trained-bands[k] of London

[g] for the] of the

[h] a hundred] one hundred

[i] with small pieces of ordnance,] with nabletts and murderers,

[k] trained-bands] *Originally in MS.* militia

might be under the command of a person fit to lead them, they granted a commission to captain Skippon, who was captain of the artillery-garden, to be major-general of the militia of the city of London; an office never before heard of, nor imagined that they had authority to constitute.[l] The man had served very long in Holland, and from a common soldier had raised himself to the degree of a captain, and to the reputation of a good officer: he was a man of order and sobriety, and untainted with any of those vices, which the officers of that army were exercised in; and had newly given over that service upon some exceptions he had to it; and, coming to London, was by some friends preferred to that command in the artillery-garden, which was to teach the citizens the exercise[m] of their arms. He was altogether illiterate, and having been bred always abroad, brought[n] disaffection enough with him from thence against the church of England, and so was much caressed and trusted by that party.

This man marched that day in the head of their tumultuary[o] army to the parliament-house; where the accused members were no sooner entered, than they magnified "the great kindness and affection they "had found in the city, and their zeal to the parlia-"ment; and if their expressions of it, upon this ex-"traordinary occasion, had been somewhat unusual, "that the house was engaged in honour to protect "and defend them from receiving any damage." Whereupon the sheriffs of London were called into the house of commons, and thanked by the speaker

[l] constitute.] constitute such an officer.

[m] exercise] posture

[n] abroad, brought] in Holland, he brought

[o] tumultuary] *Not in MS.*

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for their extraordinary care, and love expressed to the parliament; and told, "that they should have "an ordinance of parliament for their indemnity, "declaring that all their actions of respect and kind- "ness, which they had shewed to the lords and "commons in London, and their attending them to "and at Westminster, was legal and justifiable." The masters and officers of ships were likewise called in, and most heartily thanked for their kindness; and sergeant-major-general Skippon appointed every day to attend at Westminster, with such a guard as he thought sufficient for the two houses.[q] There was one circumstance not to be forgotten in the march of the citizens[r] that day, when the show by water was little inferior to the other by land, that the pikemen had fastened to the tops of their pikes, and the rest in their hats, or their bosoms, printed papers of the protestation which had been taken, and enjoined by the house of commons the year before for the defence of the privilege of parliament; and many of them had the printed votes of the king's breaking their privileges in his coming to the house, and demanding their members.

The Buckinghamshire men's petition to the house of commons.

As soon as the citizens and mariners were discharged, some Buckinghamshire men, who were said to be at the door,[s] with a petition, and had indeed waited upon the triumph with a train of several[t] thousand men, were called in; who delivered their petition in the name of the inhabitants of the county of Buckingham, and said it was brought to the town by about six thousand men. "They commended

[q] for the two houses.] for the guard of the two houses.

[r] citizens] city

[s] at the door,] at door,

[t] of several] of four

" the unwearied pains of the house of commons, for " redress of the pressures they had lain under; but " complained that the success was not answerable, " their endeavours being frustrated or retarded by " a malignant faction of popish lords, bishops, and " others; and now of late, to take all that little hope, " was left, from them, of a future reformation, the " very being of the parliament was shaken, the pri- " vileges thereof broken in a desperate and unex- " ampled manner, and the members thereof unas- " sured of their lives, in whose safety, the safety of " them and their posterity was involved. They held " it therefore their duty, according to their late pro- " testation, to defend and maintain the persons and " privileges thereof, to the utmost power of their " lives and estates; to which purpose, they said, they " were then come to make the humble tender of " their service, and would remain in expectation of " their commands and order; to the execution where- " of they would with all alacrity address themselves, " ready to live by them, or to die at their feet, against " whomsoever should in any sort illegally attempt " upon them.

" They besought them therefore to assist the ar- " dent prayers of the petitioners, that the popish " lords and bishops might be forthwith outed the " house of peers; that all privileges of parliament " might be confirmed to them, and that all evil " counsellors, the Achans of the commonwealth, " might be given up to the hands of justice; with- " out all which, they said, they had not the least " hope of Israel's peace, or to reap those glorious ad- " vantages, which the fourteen months seed-time of

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" their unparalleled endeavours had given to their " unsatisfied expectations."

When they had received thanks for their wonderful affection, and were told, that, " by the great care " of the city of London, the parliament was suffi- " ciently guarded and assured; and therefore that " they might depart to their houses till further oc- " casion appeared, of which they should be sure to " be informed;" one of them said, " they had an- " other petition, which they meant to prefer to the " king; but desired their advice, whether that house " would vouchsafe to recommend it,[u] or whether " they themselves should deliver it." For that, they received new thanks; and were wished, " that six or " eight of them should present it to his majesty in " the name of the rest;" for the house saw their wisdom and moderation such, that they presumed they of themselves were very able to manage that business.

They also petition the house of lords.

When they had thus caressed the commons, they went to the house of lords with another petition, complaining " of the malignant faction, which ren- " dered the endeavours of the house of commons " successless," and said, " that in respect of that " late attempt upon the honourable house of com- " mons, they were come to offer their service, as re- " solved in their just defence to live and die. And " therefore they did humbly pray, that that most " honourable house would cooperate with the house " of commons, in speedily perfecting the most ne- " cessary work of reformation, bringing to condign " and exemplary[x] punishment both wicked counsel-

[u] recommend it,] commend it, [x] exemplary] unexemplary

"lors, and other plotters and delinquents; and that "the whole kingdom might be put into such a pre-"sent posture of defence, that they might be safe "both from all practices of the malignant party at "home, and the endeavours of any ill-affected states "abroad." The lords were as civil to them as the commons had been, and gave them great thanks. And from thence they went to find out the king with their petition to him;[y] in which they complained, "that Mr. Hambden, whom they had chosen "knight of their shire, and in whom they had ever "good cause to confide, was, to their great amaze-"ment, accused, amongst the others, of high trea-"son.[z] They said, that having taken into their se-"rious consideration the manner of their impeach-"ment, they could not but conceive that it did op-"pugn the rights of parliament, to the maintenance "whereof their protestation did bind them; and "they did believe, that the malice, which his and "the others zeal to his majesty's service, and the "state, had raised[a] in the enemies of his majesty, "the church, and the commonwealth, had occasion-"ed that foul accusation, rather than any ill[b] de-"serts of theirs; and that through their sides the "judgment and care of the petitioners and others "were wounded, by whose choice they were pre-"sented to the house; and therefore they did hum-"bly desire his majesty, that Mr. Hambden, and the "rest, who lay under the burden of that accusation, "might enjoy the just privileges of parliament."

They petition the king.

[y] with their petition to him;] with another petition;

[z] amongst the others, of high treason.] amongst others accused of high treason.

[a] had raised] had contracted

[b] ill] *Not in MS.*

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So from this day we may reasonably date the levying of war in England; whatsoever hath been since done being but the superstructures upon those foundations, which were then laid.[c]

The house of commons revived the votes passed by their committee in the city, and added more.

The members being in this manner placed again upon their thrones, and the king retired with his poor family to Hampton-court, they reviewed their votes, which had passed in the committee in the city, which they had caused every night to be printed without staying for the confirmation of the house; and where they had any defect, as they thought, or by the[d] interpretation of others, they supplied them with more strength and authority. So they provided and declared, "that no member of parliament "should be arrested upon any pretence whatsoever." And because it had been insisted on,[e] that they would not make any declaration so much against the known law, which allowed no privilege in the case of treason, felony, or breach of the peace, they now added, that "even in the case of treason no "member ought or could be arrested, or proceeded "against, without first informing the house, of which "he was a member, of the charge and evidence "against him, and receiving their leave and direc-"tion for the proceeding against him." And that men might hereafter be more wary how they were made instrumental in bringing any reproach upon them, they appointed a committee to prepare a charge against Herbert, the king's attorney-general, for presuming to accuse the members of high trea-

[c] which were then laid.] *A portion of the MS. is here omitted: see the Appendix, K.*

[d] by the] in the

[e] it had been insisted on,] *Originally in MS.* Mr. Hyde had desired,

son; which was made ready accordingly, and prosecuted with wonderful vigour, as will be remembered hereafter. 1642.

They resolved that the king should not enjoy much ease and quiet in his retreat; and therefore every day sent some committee or other to him with petitions and expostulations: a committee of lords and commons attended him with a grievous complaint of the breach of privilege they had sustained by his coming to the house; and desired him[f] "that he would inform them who had given him "that pernicious counsel, that such evil counsellors[g] "might be brought to justice, and receive condign "punishment." And when they found that the lord Digby, whom they generally believed to be the author and contriver of all that transaction, though they could have no evidence of it, had withdrawn himself from court,[h] and they well enough knew had transported himself beyond the seas, they brought witnesses to the bar, who affirmed, "that there "were,[i] on such a day, several officers, whereof the "unbeloved Lunsford was one, assembled together "at Kingston upon Thames near Hampton-court; "and that the lord Digby came thither to them in a "coach with six horses from Hampton-court, and "conferred with them a long time,[k] and then re-"turned again thither." They were well satisfied with the evidence, and forthwith accused him to the house of peers of high treason, for the levying of war against the king and parliament; and a proclamation was shortly issued out for his apprehension,

The lord Digby accused of high treason upon pretence of his levying

[f] him] *Not in MS.*
[g] counsellors] counsel
[h] from court,] from the court,
[i] there were,] there was,
[k] with them a long time,] a long time with them,

BOOK IV.

1642.

war at Kingston upon Thames.

when all the town knew that he was safely arrived in Zealand.[l] They resumed the consideration of the lieutenant of the Tower; and upon new information that much provision was sent in thither every day, they sent for sir John Byron, who appeared at their bar, and gave so full answers to all the questions they asked of him, that they could not but dismiss him. However they sent again to the king to remove him, and put a fitter man into the place, and recommended sir John Coniers to him, as a man in whom they could confide; and because they did not speedily receive such an answer as they liked, they appointed their major-general Skippon to place such guards about the Tower, as might prevent the carrying in more provision of victual thither, than would serve for one day's consumption; notwithstanding which, the king[m] would not consent to their desire.[n]

All men were now in union in both houses: the lords had not yet recovered the courage to dissent in any one proposition made to them from the commons; and in their house[o] no man durst presume to debate the matter of privilege, how far it extended, and in what cases it was of no moment, lest he might be thought to be privy to, and a counsellor of, that heinous breach, which had given them all this credit:

[l] in Zealand.] *MS. adds:* but they thought it fit to shew him how unsavoury a jest the sending out such proclamations was to be esteemed.

[m] the king] his majesty

[n] desire.] *MS. adds:* And so the king was at last prevailed with to remove sir John Byron, and to put sir John Coniers in the place, who was a man the king had no other exception to, than that he was recommended by them; which was exception enough: and the yielding to them in it exceedingly raised their spirits, and made them the more insolent.

[o] their house] that house

In this consent and concurrence, all the votes, which had passed at the committee in London, and which had been by them communicated to the common council, and so divulged throughout the city and kingdom, were confirmed; and those who objected against any expressions, which were not warrantable, reprehended for taxing[p] the discretion of the committee.

And in one day both houses agreed in and executed three acts of sovereignty, even of as high a nature as any they have since ventured upon; the first, "in commanding the sheriffs of London, by and "with the advice of their new sergeant-major-general "Skippon, to place a guard upon, that is to besiege "the Tower of London, to hinder the going in of "any provisions, or going out of any arms or ammu-"nition;" the second, "in appointing sir John Ho-"tham to go to Hull," which will be mentioned anon;[q] the third, "in sending an order to the gover-"nor of Portsmouth, that nobody should be admitted "into that town and fort, or suffered to pass from "thence, or any thing to be disposed of there, but "by order from the king signified by both houses of "parliament."

After this, a message was resolved upon to be sent to the governor of the prince,[r] "that he should not

[p] taxing] laying a tax upon

[q] be mentioned anon;] *MS. adds:* and to put into that town such companies of the train-bands adjoining, as he thought necessary for the keeping that town and the magazine there; his majesty having caused all his ammunition and ordnance the year before, upon the dissolving the armies, and dismantling the garrisons of Berwick and Carlisle, to be brought to that place; and that he should not suffer any part of that magazine to be delivered to any without warrant from the king, by advice of both houses.

[r] the governor of the prince,] to the marquis of Hertford, governor of the prince,

BOOK IV. 1642.

" suffer the prince to be transported out of the king-
" dom, as he would answer the breach of trust re-
" posed in him concerning religion, and the honour,
" safety, and peace of the three kingdoms;" and they declared,[s] " that any person, who should persuade or
" attend upon him in such transportation, should be
" under the same censure." With these high acts of public concernment they joined the vindication of themselves from the late trespass:[t] and to that end caused the attorney-general to be publicly examined upon interrogatories, " whether he did contrive,
" frame, or advise the articles of impeachment against
" the members that were accused? whether he knew
" the truth of them upon his own knowledge, or by
" information? whether he would undertake to make
" them good, when he should be thereunto called?
" from whom he received them, and by whose di-
" rection or advice he did exhibit them? whether
" he had any testimony or proof of them before the
" exhibiting?" And having received his answer,
" that he had neither framed, nor advised them, nor
" knew any thing of the truth of them, nor could
" undertake to justify them; but that he had re-
" ceived them from the king, and was by him com-
" manded to exhibit them;" they presently declared,
" that he had broken the privilege of parliament in
" preferring those articles, and that the same was il-
" legal, and he criminal[u] for so doing; and that a
" charge should be sent to the lords, in the name of
" the house of commons, against the attorney-gene-
" ral, to have satisfaction for the great scandal and
" injury to the members thereof, unless he did within

The commons examine the attorney-general touching the impeachment of the five members.

His answer.

They vote a charge against him.

[s] they declared,] declaring,
[t] trespass:] trespass from the king:
[u] criminal] criminous

" five days bring in his proof, and make good the ar-
" ticles against them."

So that they had now raised to themselves an unquestionable stock of security, when they had declared, " that they might neither be apprehended by " a warrant under the king's own hand,[x] nor ac- " cused by his attorney-general, except themselves " were willing:" and they, who had concluded it most exactly just, that the house of peers must imprison their own members, as fast as the commons[y] accused them of high treason, and, by that rule, had, within less than a week before, freed themselves of twelve bishops, who always opposed their designs,[z] (and in a case, where every man's conscience absolved them of the guilt, of which they were charged,) thought it now unanswerable reason to condemn the justice[a] of the king's proceedings; " because if a " man should be committed and imprisoned as soon " as the king accused him of high treason, the parlia- " ment might by consequence[b] be dissolved; since he " might successively accuse the whole body;" which logic, if they had not pleased to vote the contrary, would have run as well in their own case, upon[c] their own licence of accusing, and more dangerously in respect of the house of peers, which might possibly indeed have been thereby dissolved[d].

Though the king had removed himself out of the noise of Westminster, yet the effects of it followed him very close; for besides the Buckinghamshire

[x] king's own hand,] *MS. adds:* nor indeed by himself,

[y] the commons] they

[z] designs,] desires,

[a] condemn the justice] evince the injustice

[b] by consequence] *Not in MS.*

[c] upon] and upon

[d] dissolved] *MS. adds:* when by new elections that mischief would easily be prevented in the house of commons.

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petitioners, who alarmed[e] him the same, or the next day after he came to Hampton-court, several of the same nature were every day presented to him, in the name of other counties of the kingdom; all which were printed, and scattered abroad with the declaration of the lord Digby's levying war at Kingston upon Thames, and the proclamation for apprehending him; all which being so industriously dispersed, and without any colour, or ground of danger, but only that the kingdom might be inured to the style of the two houses, and exercised in their commands against the time that they meant to be in earnest, gave the king reason to remove in few days from Hampton-court to his castle at Windsor, where he could be more secure from any sudden popular attempt; of which he had reason to be very apprehensive, when, after those high acts of sedition at London and Westminster were declared to be according to the laws of the land, and the protestation lately taken, that protestation was by a new order enjoined to be administered throughout the kingdom, and the names of all those who refused to take it, which there was reason to believe many would upon their new glosses,[f] returned to the house of commons, who were as severe inquisitors as could be found any where.

The king removes to Windsor.

From thence his majesty[g] sent a message to both houses, "That he took notice, that his proceedings "against those persons, whom he had accused, (nam-"ing them,) were conceived by many to be illegal, "and not agreeable to the privilege of parliament;[h] "and that he was so desirous to give satisfaction to

Thence sends a message to both houses.

[e] alarmed] alarumed

[f] their new glosses,] the new gloss,

[g] his majesty] he

[h] privilege of parliament;] privileges of the parliament;

" all men in all matters that might seem to have re-
" lation to privilege of parliament, that he would
" wave his former proceedings; and all doubts being
" by that means settled, when the minds of men
" were composed, he would proceed against them
" in an unquestionable way; and he[i] assured both
" houses, that upon all occasions he would be as
" careful of their privileges as of his life, or his crown.
" To which he added, that, in all his proceedings
" against those persons, he had never the least inten-
" tion of violating the least privilege of parliament;
" and in case any doubt of breach of privilege re-
" mained, he would be willing to assert it by any
" reasonable way his parliament should advise him
" to; and therefore he desired them forthwith to lay
" by all jealousies, and apply themselves to the pub-
" lic and pressing affairs, and especially to those of
" Ireland, wherein the good of the kingdom, and the
" true religion, which should ever be his first care,
" were so highly and so nearly concerned. And he
" desired them, that his care of their privileges might
" increase their care of his lawful prerogative, which
" was so necessary to the mutual defence of each
" other, and both would be the foundation of a per-
" petual and perfect intelligence between his ma-
" jesty and parliaments, and of the happiness and
" prosperity of his people."

But this message was[k] not such as they looked for; there seemed still to be left a time[l] for prosecution; and though the error in form seemed to be consented to, yet the substance and matter of the

[i] he] *Not in MS.*

[k] this message was] these messages were

[l] seemed still to be left a time] there was still left a courage

BOOK IV. 1642.

accusation might be still insisted on. And therefore they took no notice of it,[m] but proceeded in inflaming all men with the sense of the breach of privilege; and finding the general mettle somewhat to abate, that they might keep up the apprehension of danger, and the esteem[n] of their darling the city, they consult about adjourning both houses into London; but finding some danger of infringing the act of parliament, from whence some advantage might be taken to their prejudice, till that power might be cleared by a law, they were contented to adjourn their houses as they had done for some days, and to appoint committees, qualified with more power than the houses had, to meet in London; which, for the convenience[o] of the common council, who took up the guildhall, chose to sit in Grocers' hall.

The houses appoint committees to sit in Grocers' hall.

It was wondered, that,[p] having all places so much at their devotion, they[q] would remove from their more convenient seats at Westminster; where they might transact whatsoever they desired without interruption, and where they were only disturbed by their own direction. But the advantage they reaped by it was extraordinary; for, besides the fears they dispersed abroad, and the confidence they gave their own friends of the city by being with them, they were sure, for the most part, to have a committee to their own hearts' desire; since,[r] besides many out of laziness or indignation would not attend the service in so inconvenient a place,[s] very many, who troubled them most in their counsels, durst not in

[m] of it,] of them,
[n] esteem] estimation
[o] convenience] conveniency
[p] that,] *Not in MS.*
[q] they] that they
[r] since,] for,
[s] inconvenient a place,] unnatural place,

earnest go thither, for fear of uncomely affronts, if not danger, their names being published in the tumults as disaffected persons; and they [t] were those, indeed, which constituted the malignant party, which they prayed against: and they found it much easier to transact any thing contrived and framed by such a committee, than originally offered and debated in either house, before the mystery was understood by their proselytes, and when those, who too well understood it, did render their designs sometimes ineffectual.

The minds of men throughout the kingdom being now prepared to receive all their dictates with reverence, and to obey all their orders, and to believe that all their safety consisted in, and depended upon their authority, and there being few within the house, who had courage to oppose and contradict them, they sent to the lords to quicken them in the bill they had formerly sent to them concerning removing the bishops out of their house; which now, when there were so many of them prisoners in the Tower, [u] they presumed would not meet with so great an opposition. In the house of commons they called to have the bill read, which had lain so long there, the same that had been brought in by Saint-John for the settling the militia of the kingdom; to which they now added "the putting all the forts, castles, "and garrisons, into the hands of such persons as "they could *confide* in;" which was the expression they used, when they had a mind to remove any man from a place, of which he was justly possessed,

The commons go upon Saint-John's bill of the militia, and pass it.

[t] they] *Not in MS.*

[u] prisoners in the Tower,] removed into the Tower,

BOOK IV. 1642.

"that they could not *confide* in him, which they "thought to be reason enough to displace any man." When this bill[x] had been with much ado accepted, and first read, there were few men who imagined it would ever receive further countenance: but now there were few,[y] who did not believe it to be a very necessary provision for the peace and safety of the kingdom. So great an impression had the late proceedings made upon them; so that with little opposition it passed the commons, and was sent up to the lords.

Upon the disbanding the late army in the north, all the artillery, arms, and ammunition, that was provided for that service, had been by the king's command sent to Hull, where it still remained; and his majesty intended it should be kept there, for a magazine upon all occasions. And he had a little before these late passages sent the earl of Newcastle thither, with a private commission, to be governor thereof, as soon as it should be fit to publish such a command; and in the mean time by his own interest to draw in such of the country, as were necessary to guard the magazine. But nothing the king did in the most private manner, but was quickly known to those from whom it should most have been concealed. And so the earl of Newcastle was no sooner gone, but notice was taken of it; and he had not been three days in Hull, before the house of peers sent for him, to attend the service of that house, which he had rarely used to do, being for the most part at Richmond attending upon the prince of Wales, whose governor he was. He made no haste

[x] this bill] it [y] few,] very few,

to return upon the summons of the house, but sent to the king to know his pleasure; who, not thinking matters yet ripe enough to make any such declaration, appointed him to come away; upon which he appeared in the house, without being asked where he had been.

Both houses move the king, that the magazine at Hull might be removed to the Tower.

But both houses shortly after moved the king, "that the magazine at Hull might be removed to "the Tower of London, which would be very neces- "sary for the quieting the minds of that country, "and abating the fears and jealousies in the hearts "of very many, who did apprehend some design in "the keeping so much ammunition in the [z] northern "parts:" and his majesty not giving them a speedy answer, they sent down sir John Hotham, whose estate lay within three or four miles of Hull, and he [a] had some command of the trained-bands, "to be governor "thereof, and to draw in such of the country as he "thought fit for the security of the place." And though Hotham had concurred with them in all their violent ways, yet they well knew that he was not possessed with their principles in any degree, but was very well affected in his judgment to the government both in church and state, but had been first engaged by his particular malice against the earl of Strafford, and afterwards terrified by their votes against sheriffs and deputy lieutenants; and therefore they sent his son, a member likewise of the house, and in whom they more [b] confided, to assist him in that service, or rather to be a spy upon his father. And this was the first essay they made of their sovereign power over [c]

They send both the Hothams to Hull.

[z] the] those
[a] he] *Not in MS.*
[b] more] most
[c] over] of

BOOK IV. 1642.

the militia and the forts, whilst their bill was yet depending, and was a sufficient manifestation what they intended to do, when it should be passed; towards which they made all the haste they[c] could, exercising the king's patience every day with some disagreeable[d] message to him, upon their privileges, and requiring "vindication, and reparation, and discovery of the persons who had promoted that prosecution." And though[e] the council once a week attended[f] upon his majesty at Windsor, he could not freely consult[g] with them upon what most concerned him.

In this sad condition was the king at Windsor, fallen in ten days from a height and greatness that his enemies feared, to such a lowness, that his own servants durst hardly avow the waiting on him. For though, 'tis true,[h] the acts of the house of commons, and the tumults, were as great affronts to majesty, before this last act upon the members, as any that could be imagined possible to succeed, yet the house of peers was then[i] well disposed, and might have been managed with a little patience, to have blasted all the extravagances of the commons. And the truth is, the greatest extravagances appeared to the standers-by to be but the attempts of persons in despair, and the strugglings[k] of men at the last gasp. And, without doubt, if the king could have had the patience to have sat still a spectator of the dissensions between the two houses, and encouraging the

[d] disagreeable] unsavoury
[e] though] *Not in MS.*
[f] attended] attending
[g] he could not freely consult] though he could not consult.
[h] 'tis true,] it is true,
[i] then] *Not in MS.*
[k] the strugglings] the strong accents.

lords, who were firm to him, and putting those matters in issue, wherein the commons had invaded both his and the lords' privileges; if he had commanded his council at law and the judges, to have proceeded by the strict rules of the law against seditious persons at large, for preaching and printing against the peace of the kingdom, and put the commons' house either to have been quiet, whilst their champions were exemplarily punished, (which would have put a speedy end to their licence,) or to have appeared the champions for an infamous act against the law and the justice of the kingdom, their jurisdiction would probably [l] in a short time have been brought within the due limits, and the stoutest factor for the violent party been glad to have compounded for an act of oblivion.

And I have heard from credible persons, that the chief of that faction afterwards confessed, that if that extraordinary accident had not happened to give them new credit and reputation, they were sinking under the weight of the expectation of those whom they had deluded, and the envy of those whom they had oppressed. I am sure, they who out of conscience, and loyalty to their king and country, diligently attended the public service, were strangely surprised at the matter and manner of that accusation; and foresaw, from the minute, the infinite disadvantage it would bring to the king's affairs. Not that they thought the gentlemen accused, less guilty; for their extreme dishonest acts [m] in the house were so visible, that nothing could have been laid to their charge incredible: but the going through with it was a mat-

[l] probably] *Not in MS.* [m] acts] arts

BOOK IV. 1612.

ter of so great difficulty and concernment, that every circumstance ought to have been fully deliberated, and the several parts distributed[n] into such hands, as would not have shaken in the execution.[*] And the saying, that the king had not competent persons enough, whom he might trust in so important a secret, (which I believe was true,) is rather[o] an argument, that the thing was not to be attempted at all, than that it was to be attempted in that manner; for whoever would have betrayed the trust, would be sure to find fault with it, when it was endeavoured without him, especially if it miscarried. The truth is, there was little reason to believe, that the house of peers would commit the lord Kimbolton[p] upon the accusation of Mr. Attorney in that conjuncture of time; and less that the house of commons would deliver up their members to the sergeant at arms, when they should be demanded; which was an irregular thing, and implied unreasonably, that they had some power to keep them, who were desired to deliver them. Yet if the choice had been better made, and the several persons first apprehended, and put into distinct close custodies, that neither any body else should have heard from them, nor they one from another, all which had not been very difficult, the high spirit of both houses might possibly have been so dejected, that they might have been treated withal. But even that attempt had been too great for the solitary state the king was in at that time;[q] which was most naturally to have been improved by standing upon his guard, and denying all that was in his

[n] distributed] dispensed

[o] rather] only

[p] lord Kimbolton] lord Mandeville

[q] was in at that time;] was at that time in;

power to deny, and in compelling his ministers to execute the law in those cases, that demonstrably concerned the public peace. BOOK IV. 1642.

The committee at Grocers' hall, very much[r] exalted to find no opposition in any thing they desired from both houses, resolved to make what advantage they could of that season of their power; and therefore, not vouchsafing to return any answer to the king's message[s] of retractation, they concluded upon "a new remonstrance to be made of the state of "the kingdom; in which they would present to the "king's view the causes of the present evils and dis- "tractions, and propose to him, by way of advice, "the remedies that in their opinion he was to apply "to those evils. The committee at Grocers' hall design a new remonstrance.

"The causes they agreed to be, the evil council "about the king and queen, disposing all occur- "rences of state, and abusing the king's authority "and power[t] to the prejudice of religion, the ha- "zarding the public peace, and strengthening a "malignant party in the kingdom; the influence "which the priests and Jesuits had upon the affec- "tions and counsels of the queen, and the admission "of her majesty to intermeddle with the great affairs "of state, and with the disposing of[u] places and pre- "ferments of the highest concernment in the king- "dom; whereby those of great power and authority "were engaged to favour such designs, as were in- "fused into her majesty by those of that religion: "the want of a due reformation of the church-go- "vernment, and liturgy then used; the want of a The matter they prepared for it.

[r] much] *Not in MS.*

[s] king's message] king's messages

[t] authority and power] power and authority

[u] of] *Not in MS.*

BOOK IV. 1642.

" preaching ministry, and a competent maintenance " for them; the over strict pressing of divers cere- " monies in the liturgy and rubrick, and the pressing " other ceremonies not enjoined by law; the votes " of the popish lords in the house of peers, which " was a hinderance of the reformation, and a protec- " tion of the malignant party; the preferring such " as had adhered to delinquents, and the displeasure " shewed against those who had been used as wit- " nesses in the prosecution of them; the breaches of " the privileges of parliament; and the managing " the great affairs of the realm in cabinet councils by " men unknown, and not publicly trusted; the pre- " ferring men to degrees of honour and offices, and " displacing others, in parliament time, and without " the consent of that council; and many other par- " ticulars; to which they thought these remedies " most natural, and proper to be applied.

" That all privy-counsellors, and others of trust " and employment beyond the seas, should be re- " moved from their places, and only such admitted, " as should be recommended to the king by both " houses of parliament; and that such counsellors " and officers, as should be so displaced, and not " again recommended, should not have access to the " courts of the king and queen: that all priests, pa- " pists, and ill-affected persons, though professing " the protestant religion, should be removed from " the queen's person, and from having any office " or employment under her, and that all her serv- " ants should take such an oath as should be devised " by parliament; that he, or she, would not at any " time, directly or indirectly, by him, or herself, or " any other, move or petition, or solicit her majesty

"in any matter concerning the state and govern-
"ment of the kingdom, or concerning any favour
"or immunity to be conferred upon any papists, or
"for any honour, preferment, or employment of any
"person whatsoever.

"That the king would remove from about his
"own person, and the queen's, and from both their
"courts, Mr. William Murray, Mr. Porter, Mr. John
"Winter, and Mr. William Crofts, being all persons
"of evil fame, and disaffection[x] to the public peace
"and prosperity of the kingdom, and instruments of
"jealousy and discontent between the king and the
"parliament:[y] that the king would not entertain
"any advice or mediation from the queen in matters
"of religion, or concerning the government of any
"of his dominions, or for the placing or displacing
"of any great officers, counsellors, ambassadors, or
"agents beyond the seas, or any of his servants at-
"tending his royal person, either in his bed-cham-
"ber, or privy-chamber, or attending the prince, or
"any of the royal issue after they shall attain to the
"age of five years.

"That the queen should take a solemn oath, in
"the presence of both houses of parliament, that she
"would not hereafter give any counsel, or use any
"mediation to the king, concerning the disposing of
"any offices or places above mentioned, or at all in-
"termeddle in any affairs[z] of state, or government
"of the kingdom: that all officers and counsellors,
"that should be employed in any of the places be-
"fore mentioned, should take a solemn oath, that

[x] disaffection] disaffected

[y] the parliament:] the parliament, &c.

[z] any affairs] any of the affairs

BOOK IV. 1642.

" they had not made use of any power or mediation " of the queen, directly or indirectly, for their pre- " ferment, or in obtaining any such place or em- " ployment: that the affairs of the kingdom should " not be concluded or transacted by the advice of " private men, or by any unknown or unsworn " counsellors, but such matters as were fit for the " council, by the privy-counsellors only; and such " as were fit for the parliament, by the parliament " only.

" That no person whatsoever, under the penalty " of treason, should presume to solicit or further " any proposition for the marriage of any of the " king's children with any prince or person of the " popish religion; and that no marriage for any of " the king's children should be concluded with any " prince or person whatsoever, without the consent " and advice of both houses of parliament: that " none of the king's children, except the princess " Mary then affianced, should at any time go be- " yond the seas without the consent of both houses " of parliament; and that no person, under penalty " of high treason, should assist, or attend any of his " majesty's children in any such voyage beyond the " seas, without the like consent of both the houses " of parliament.

" That no mass, or popish service, should be said " in the courts of the king or queen, or in the house " of any subject of the kingdom; and that more " laws should be made against the papists; and all " the priests which were condemned should be forth- " with executed. That the votes of popish lords " might be taken away; and a reformation made[a] of

[a] made] *Not in MS.*

" the church-government and liturgy by the parlia-
" ment; and that no penalty should be incurred for
" omission of any ceremony, till the reformation
" should be perfect: that all delinquents should be
" subject to such penalties and forfeitures as should
" be agreed on, and imposed by bill, in both houses
" of parliament: that such as should be declared in
" parliament to adhere to any delinquents, and had
" thereupon received any preferment from the king,
" should be removed from such preferment; and
" such as should be declared by both houses to have
" been employed and used against delinquents, and
" had thereupon fallen into the king's displeasure,
" and been put from their places, should be restored
" to their places, and his majesty's favour.

" That every person, who, being a member of the
" house of commons in that parliament, had been
" accused of any offence against that house, and,
" the accusation depending, had been called up to
" the house of lords in the quality of a peer, should
" by act of parliament be put out of that house;
" and that hereafter no member of the house of
" commons should without their consent be called
" up to be a peer, except in case of descent: that
" no person, which should hereafter be made a peer
" of the realm, should be admitted to have his seat,
" or vote in the house of peers, without the consent
" of both houses of parliament: that those members
" of the house of commons, who had this parliament
" been called to the house of peers, except in case
" of descent, should be excluded from giving their
" votes in the house of peers, unless both houses of
" parliament should assent thereunto: that no mem-
" ber of either house of parliament should be pre-

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" ferred or displaced, sitting the parliament, with-
" out the consent of that house, whereof he was a
" member: that such of either house as had been
" preferred to any place or office, during the parlia-
" ment, might be put out of those places [b].

" That the king would declare the names of those
" who advised him to the accusation of the mem-
" bers, and all the particulars that ensued upon that
" accusation; and that he would make public de-
" claration and promise in parliament, never more
" to receive information from any man to the preju-
" dice of any member of either house, for any thing
" done in that house, without discovering the name
" of such person who gave him such information."

These, and many other particulars of the like nature, were the results of that committee at Grocers' hall; which I insert here, being the proper time of their birth, that the world may see what their projections were in the infancy of their visible power and advantage, though they were not digested into avowed propositions till long after, as the effects of riper divisions, and fuller grown jealousies. For by that time they had shaped and framed [c] these devices, they found the eyes of the people not [d] so universally shut as they had been; and that the king's coming to the house of commons, or the accusing the members, was not more spoken of than the tumults, and the driving the king out of London, and not suffering him to be quiet at Hampton-court. Then [e] the lords begun to take new courage, and though they were somewhat intoxicated with [f] the

[b] places.] offices and places.
[c] framed] formed
[d] not] not to be
[e] Then] Then that
[f] intoxicated with—capable] intoxicated with the matter of

fears and jealousies concerning their privileges, yet they thought trespasses of that kind capable[f] of reparation, and so were willing to receive any overture from the king to that purpose. It was concluded[g] therefore, "the time was not yet ripe to do "all at once, till more men were engaged," and resolved, "with more patience to win their ground by "inches."

The king continued at Windsor to expect the end, or the issue of this tempest; and finding that they hardly would take notice of his former messages, but proceeded in the high ways of destruction, for he had advertisement of their most secret combinations, resolved to send such a message to the two houses, whose united reputation was yet too great to struggle with, as might at least divide those, who desired the public peace, from the ministers of confusion: and so on the twentieth of January sent this proposition and message to them in writing, "for preventing those evils, which the "manifold distractions threatened to the kingdom; "that they would with all speed fall into a serious "consideration of all those particulars, which they "held necessary, as well for the upholding and "maintaining the king's just and regal authority, "and the settling his revenue, as for the present "and future establishment of their privileges, the "free and quiet enjoying of their estates and for-"tunes, the liberties of their persons, the security "of the true religion now professed in the church "of England, and the settling of ceremonies in "such a manner, as might take away all just of-

The king's proposition and message to both houses, Jan. 20.

[f] privilege, yet that they thought it a trespass capable

[g] It was concluded] They concluded

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"fence; which when they should have digested, "and composed into one entire body, that so his "majesty and themselves might be able to make "the more clear judgment of them, it should then "appear, by what his majesty would do, how far he "had been from intending or designing any of those "things, which the too great fears and jealousies of "some persons seemed to apprehend; and how "ready he would be to equal and exceed the great-"est examples of the most indulgent princes in "their acts of grace and favour to their people; so "that, if all the present distractions, which so ap-"parently threatened the ruin of the kingdom, did "not, by the blessing of Almighty God, end in a "happy and blessed accommodation, his majesty "would then be ready to call heaven and earth, "God and man, to witness, that it had not failed "on his part."

This message was received by the lords with great signs of joy, insomuch that they desired the commons to join with them in returning their thanks[h] to his majesty for his gracious offers,[i] and to assure him, "that they would forthwith apply "themselves to those considerations he proposed."

Both houses petition the king about the accused members.

However the next day they joined together in a petition to the king, "that he would, in[k] very few "days, send in his proofs, and proceed against the "members he had accused of high treason, or de-"clare them to be innocent, and himself to be ill "advised:" to the which he answered, "that he "was ready to proceed against them; but, that "there might be no new mistakes in the way, and

His majesty's answer.

[h] their thanks] their joint thanks

[i] gracious offers,] gracious offer,

[k] in] within

" form of the proceedings, he desired, that it might " be first resolved, whether his majesty were bound " in respect of privileges to proceed against them " by impeachment in parliament, or whether he " were at liberty to prefer an indictment at common " law in the usual way, or whether he had his choice " of either: before that was resolved, his majesty " thought it unusual and unfit to discover what " proof he had against them; but then, he would " give such speedy direction for prosecution, as " might put a determination to the business."

This gave them new offence and trouble; and if the king's council had had the courage to have insisted upon the matter of law, and the lords would have given them reasonable countenance, they would have been much puzzled to have procured a resolution, that would have served their purposes to all parts, and been content[l] to have suspended their judgment, that so the king might have suspended his prosecution. For if the judges had been called[m] to deliver their opinions in point of law, which they ought to have been, they could not have avoided the declaring, that by the known law, which had been confessed in all times and ages, no privilege of parliament could extend in the case of treason; but that every parliament-man was then in the condition of every other subject, and to be proceeded against accordingly. In the next place, as they would never have ventured themselves upon the house of peers under an impeachment, and thereby made them their judges, which indeed was incongruous, every subject being to be tried for his life

[l] content] contented

[m] called] compelled

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per pares, vel[n] *per legem terræ*, to both which the lords and the impeachment were[o] directly opposite; so they would less have trusted an indictment at law, and a well chosen sober jury, who had been bound to follow their evidence of fact, and were not judges of the law, which was severe in any conspiracy against the crown, or the persons of king or queen.

But having shut the doors against any mention of law, they made no scruple of resolving, and answering his majesty, "that they were first to see "the evidence he had to prove the guilt, before "they could give any direction for the manner of "the prosecution, and proceeding;" which they grounded upon a maxim, they had but lately established,[p] though never till then heard of; "that no "member of parliament, for what offence soever, "could be arrested, or proceeded against, but by "the consent of that house, of which he was a "member; and then, they said, they could not give "or deny their consent by any other measure than "the knowledge of the crime and proof, upon which "such member stood accused." Which conclusion had been reasonable, had the premises been just;[q] whereas the argument was to be inverted, that their consent was not to be asked, because they had no cognizance of the crime, of which their members were accused, nor were judges whether their accusation were valid in law, or sufficiently proved in fact.

It is not to be believed how many sober, well-

[n] *vel*] and

[o] were] was

[p] lately established,] established three or four days before,

[q] had the premises been just;] if the assumption had been just;

minded men, who were real lovers of the peace of the kingdom, and had a full submission and reverence to the known laws,[r] were imposed upon, and had their understandings confounded, and so their wills perverted, by the mere mention of privilege of parliament; which, instead of the plain and intelligible notion of it, was,[s] by the dexterity of those boutefeus, and their under-agents of the law, and the supine sottishness of the people, rendered[t] such a mystery, as could be only explained by themselves, and extended as far as they found necessary for their occasions, and was to be acknowledged a good reason for any thing that no other reason could be given for. "We are," say they, "and have been "always confessed, the only judges of our own pri- "vileges; and therefore whatsoever we declare to "be our privilege, is such: otherwise whosoever de- "termines that it is not so, makes himself judge of "that, whereof the cognizance only belongs to us." And this sophistical riddle perplexed[u] many, who, notwithstanding the desperate consequence they saw must result from such logic, taking the first proposition for true, which, being rightly understood, is so, have not been able to wind themselves out of the labyrinth of the conclusion: I say the proposition rightly understood: they are the only judges of their own privileges, that is, upon the breach of those privileges, which the law hath declared to be their own, and what punishment is to be inflicted

1642. Observations touching privilege of parliament.

[r] and had a full submission and reverence to the known laws,] and had the known laws in full submission and reverence,

[s] instead of the plain and intelligible notion of it, was,] from the most defined, limited notion, was,

[t] rendered] was rendered

[u] perplexed] hath perplexed

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upon such breach. But there can be no privilege, of which the law doth not take notice, and which is not pleadable by, and at law.

The truth and clearness of this will best appear by instance: If I am arrested by process out of any court, I am to plead in the court, that I am a member of parliament, and that, by the privilege of parliament, my person ought to be free from arrests. Upon this plea the judge is bound to discharge me; and if he does not, he is a criminal,[x] as for any other trespass against the law: but the punishing the person, who hath made this infringement, is not within his power, but proper to that jurisdiction, against which the contempt is; therefore that house, of which I am a member, upon complaint made of such an arrest, usually sends for the persons culpable, the party at whose suit the arrest is made, and the officers which executed it, and commits them to prison, till they make acknowledgment of their offence. But that house never sends, at least never did till this parliament, any order to the court, out of which the process issued, to stay the proceedings at law, because the privilege ought to be legally pleaded. So, after the dissolution of parliament, if I am arrested within the days of privilege, upon any plea[y] of privilege the court discharges me; but then the party that arrests me escapes punishment till the next parliament, the judge having no more power to commit the man that sued or arrested me, than he hath to imprison a man for bringing an action at law, when he hath no good title; neither is he judge of the contempt.

[x] a criminal,] criminous,

[y] any plea] my plea

Again: If a man brings an information, or an action of the case, for words spoken by me, and I plead, that the words were spoken by me in parliament, when I was a member there; and that it is against the privilege of parliament, that I should be impleaded in any other place, for the words I spoke[z] there; I ought to be discharged from this action or information, because this privilege is known, and pleadable at law: but that judge can neither punish nor[a] examine the breach of privilege, nor censure the contempt. And this is the true and proper meaning of the old received axiom, that they are judges only of their own privileges.

And indeed these two, of freedom from arrests for their persons, (which originally hath not been of that latitude to make a parliament a sanctuary for bankrupts, where any person outlawed hath been declared incapable of being returned thither a member,) and of liberty of speech, were accounted their chiefest[b] privileges of parliament: for their other, of access to the king, and correspondence by conference with the lords, are rather of the essence of their councils, than privileges belonging to them[c]. But that their being judges of their privileges should qualify them to make new privileges, or that their judgment should create them such, as it was a doctrine never before now heard of, so it could not but produce all those monstrous effects we have seen; when they have assumed to swallow all the rights and prerogatives[d] of the crown, the liberties and lands of the church, the power and jurisdiction of

[z] spoke] spake
[a] nor] or
[b] their chiefest] their chiefest, if not their only
[c] to them.] to it.
[d] prerogatives] prerogative

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the peers, in a word, the religion, laws, and liberties of England, in the bottomless and insatiable gulph of their own privileges. And[e] no doubt these invasions, on pretence of privilege, will hereafter be judged to have been[e] the most unparalleled and capital breach of those privileges, that had ever yet been attempted.

The lords and commons differ about addressing for removing sir John Byron from the Tower.

In the address, which the house of commons prepared for acknowledgment of the king's grace and favour in his message of the twentieth of January, they had desired, "that for a ground of their confi- "dence, and removal of jealousies, that they might "apply themselves to give his majesty satisfaction "in the method he proposed, his majesty would pre- "sently put the Tower of London into the hands of "such a person, as both houses should recommend "to him:" in which the lords differed with them; as well for that the disposal of the custody thereof was the king's peculiar right and prerogative, as likewise that his majesty had committed the charge thereof to sir John Byron, a person of a very ancient family, an honourable extraction, and[f] good fortune, and as unblemished a reputation as any gentleman of England. The commons, much troubled that the lords should again take the courage to dissent from them in any thing, resolved to press the king upon their own score, and to get the recommendation of so great an officer to themselves.

The commons by themselves petition the king to do it, and to put all the

And therefore on the six and twentieth day of January, they sent a petition to him in the name of the knights, citizens, and burgesses, of the commons' house assembled in parliament; in which they took

[e] And—to have been] And no doubt will determine this digression to be

[f] and] *Not in MS.*

notice "of the gracious message from his majesty of "the twentieth instant, for which they returned "most humble thanks, resolving to take it into "speedy and serious consideration; and said, to en- other forts, and the militia, into the hands of confiding men. "able them with security to discharge their duties "therein, they had desired the house of peers to "join with them in humbly beseeching his majesty "to raise up unto them a sure ground of safety and "confidence, by putting the Tower, and other prin- "cipal forts of the kingdom, and the whole militia "thereof, into the hands of such persons as his par- "liament might confide in, and as should be recom- "mended unto him by both houses of parliament; "that, all fears and jealousies being laid aside, they "might with cheerfulness proceed to such resolu- "tions, as they hoped would lay s a sure foundation "of honour, greatness, and glory to his majesty, "and his royal posterity, and of happiness and "prosperity unto his subjects, throughout all his "dominions; wherein the house of peers had re- "fused to join with them. But they, notwithstand- "ing, no way discouraged, but confiding in his ma- "jesty's goodness to his people, did therefore make "their humble address to him to beseech him, that "the Tower of London, and other principal forts, "and the whole militia of the kingdom, might be "put into the hands of such persons as should be "recommended to him by the house of commons; "not doubting but they should receive a gracious "and speedy answer to that their humble desire, "without which, in all human reason, the great "distractions of the kingdom must needs over- "whelm it with misery and ruin."

s would lay] to lay

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The king was not troubled at the receipt of this petition, glad that, since they could not be brought to such a degree of reasonableness, as might make up all breaches, they would be so peremptorily unreasonable as might probably sever those from them, who were not so desperate[h] as themselves; and he hoped, that when the people should observe that this grasping of the militia of the kingdom into their own hands, as an expedient for the composing their high-grown fears and jealousies, was no more than they desired the summer before, when sir Arthur Haslerig brought in his bill into the house of commons, which is before remembered, when that title of fears and jealousies was not discovered; and when the peers should observe, that the house of commons insolently demanded, by their own single suffrage, the deputing men to places of that vast importance,[i] they would both conclude, that those immodest askers were not only fit to be denied, but reformed: yet believing that real and just fears might[k] grow up, to discountenance and suppress those imaginary ones, his majesty vouchsafed a very soft and gentle[l] answer to that petition; and told them, "that he hoped "his gracious message would have produced some "such overture, as, by offering what was fit on their "parts to do, and by asking what was proper for "him to grant, might have begot a mutual confi-"dence in each other. Concerning the Tower of "London, that he did not expect, having preferred a "person of a known fortune, and unquestionable re-"putation, to that trust, that he should have been

His majesty's answer.

[h] so desperate] as desperate
[i] to places of that vast importance,] to that prodigious trust,
[k] might] would
[l] gentle] dispassionate

" pressed to remove him without any particular " charge objected against him: however, that if, " upon due examination, any particular should be " presented to him, whereby it might appear he was " mistaken in his good opinion of that gentleman, " and that he was unfit for the trust committed to " him, he would make no scruple of discharging him; " otherwise, he was obliged, in justice to himself, to " preserve his own work, lest his favour and good " opinion might prove a disadvantage and misfor- " tune to his servants, without any other accusation; " of which he hoped his house of commons would be " so tender, as of a business, wherein his honour was " much concerned, as, if they found no material ex- " ceptions against that person, they would rather en- " deavour to satisfy and reform the fears of other " men, than, by complying with them, press his ma- " jesty to any thing, which did so much reflect upon " his honour and justice.

" For the forts and castles of the kingdom, that " he was resolved they should always be in such " hands, and only in such, as the parliament might " safely confide in; but the nomination of any per- " sons to those places, being so principal and inse- " parable a flower of his crown, vested in him, and " derived to him from his ancestors by the funda- " mental laws of the kingdom, he would reserve to " himself; in bestowing whereof, as he would take " care that no corrupt or sinister courses should pre- " vail with him, so he was willing to declare, that he " should not be induced to express that favour so " soon to any persons, as to those whose good de- " meanour should be eminent in, or to his parlia- " ment. And if he then had, or should at any time,

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" by misinformation, confer such a trust upon an un-
" deserving person, he was, and would always be,
" ready to leave him to the wisdom and justice of
" the parliament.[m]

" For the militia of the kingdom, which by the
" law was subject to no command but of his majesty,
" and of authority lawfully derived from him, he
" said, when any particular course for ordering the
" same should be considered, and digested, and pro-
" posed to him, he would return such an answer as
" should be agreeable to his honour, and the safety
" of his people, he being resolved only to deny those
" things, the granting whereof would alter the fun-
" damental laws, and endanger the very foundation,
" upon which the public happiness and welfare of
" his people was founded and constituted, and which
" would nourish a greater and more destructive jea-
" lousy between the crown and the subject, than any
" of those, which would seem to be taken away by
" such a satisfaction.

" He said, he was not willing to doubt, that his
" having granted more than ever king had granted,
" would persuade them to ask more than ever sub-
" jects had asked: but if they should acquaint him
" with the particular grounds of their doubts and
" their fears, he would very willingly apply remedies
" proportionable to those fears; for he called God to
" witness, that the preservation of the public peace,
" the law, and the liberty of the subject, was, and
" should always be, as much his care as his own life,[n]
" or the lives of his dearest children.

[m] the parliament.] his parliament.

[n] his care as his own life,] his care and industry, as of his life,

"And therefore he did conjure them by all the "acts of favour they had received from him this par- "liament, by their hopes of future happiness in his "majesty, and in one another, by their love of reli- "gion, and the peace of the kingdom, in which, he "said, that of Ireland was included, that they would "not be transported by jealousies, and apprehensions "of possible dangers, to put themselves, or his ma- "jesty, into real and present inconveniences; but "that they would speedily pursue the way proposed "by his former message, which, in human reason, "was the only way to compose the distractions of "the kingdom, and, with God's blessing, would re- "store a great measure of felicity to king and peo- "ple."

This answer being not only a denial, but such an expostulation as would render their counsels of less reverence to the people, if upon those reasons they should recede from what they had with that confidence, and disdain of the house of peers, demanded of the king; they therefore[o] resolved to set up their rest upon that stake, and to go through with it, or perish in the attempt. And, to this purpose, they again muster up their friends in the city, and send their emissaries abroad, to teach the people a new language. All petitions must now desire, "that the "kingdom might be put into a posture of defence, "and nothing else would serve to defend them from "the many plots and conspiracies against them, or "secure them from their own fears and jealousies." More petitions were presented to the house of commons by some citizens of London, in the name of

[o] they therefore] and therefore they

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those merchants, that usually traded to the mint with bullion; who pretended "that their fears and "jealousies were so great, that they durst not carry "their bullion to the Tower, being not satisfied with "the present lieutenant there;[p] and therefore de- "sired that he might be removed;" and more to the like purpose.[q]

They had wholly undertaken the managing of the war in Ireland, and really, for many reasons, neither did use, nor desired to use, any great expedition in that work; yet having with great industry infused into the minds of the people at least a suspicion that the court favoured that rebellion, they always made use of the slowness in those proceedings to the king's disadvantage. About that time, they had desired the city to furnish them with one hundred thousand pounds, for the levying and accommodating forces to be sent into that kingdom, which gave the common council, where such loans were always transacted, opportunity to return their opinions, and advice upon the general state of affairs. They said, "they could "lend no more money by reason of those obstruc- "tions, which threatened the peace of this kingdom, "and had already rendered it[r] even desperate: that "the not passing the bill against[s] pressing of sol- "diers, which still depended with the lords, upon

The commons desire to borrow money of the city.

The common council's answer.

[p] there;] of the Tower;

[q] and more to the like purpose.] *Thus in MS.*: and to that purpose; whereas in truth there was at that time, and from the time that that gentleman was lieutenant, more bullion brought in to be coined, than in the same time for seven years before; neither was there one man of those who subscribed that petition, who ever brought pound weight of bullion to the mint in his life. So that these cheats were too gross to do their business by, and they were quickly supplied with more powerful arguments.

[r] rendered it] rendered that

[s] bill against] bill for

" those reasons formerly mentioned at large, put
" many men into fears, that there was some design
" rather to lose that kingdom, and to consume this
" in the loss of it, than to preserve either the one or
" the other; and that the rebels were grown so strong
" there, that they made account speedily to extir-
" pate[t] the British nation in that kingdom; and that
" they intended then, as they already bragged, to
" come over, and make this the seat of the war.

" That the not putting the forts into such hands,
" in whom the parliament might confide, the not set-
" tling the kingdom in a posture of defence, the not
" removing the present lieutenant of the Tower, and
" putting such a person into that place, as might be
" well approved by the parliament, could not but
" overthrow trading more and more, and make monies
" yet more scarce in the city and kingdom. That
" the misunderstanding between the king and par-
" liament, the not vindicating the privileges thereof,
" the charging some members of treason to the de-
" terring of others from discharging their duties, and
" to the destroying the very being of parliaments,
" did exceedingly fill the minds of men well affected
" to the public, with many fears and discourage-
" ments; and so disable them from yielding that
" cheerful assistance, which they would be glad to
" afford. That by this means[u] there was such a de-
" cay of trading, and such scarcity of money, neither
" of which could be cured, till the former evils were
" removed, as it was like, in very short time, to cast
" innumerable multitudes of poor artificers into such
" a depth of poverty and extremity, as might enforce

[t] extirpate] extirpe

[u] this means] means of these

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" them upon some dangerous and desperate attempts,
" not fit to be expressed, much less to be justified;
" which they left to the house speedily to consider,
" and prevent. These evils, under which they did
" exceedingly labour and languish, they said, did
" spring from the employing of ill affected persons
" in places of trust and honour in the state, and near
" to the person of the king; and that they were still
" continued by means of the votes of bishops, and
" popish lords, in the house of peers. And so having
" faithfully represented, they said, the true reasons,
" which really enforced them to return that answer,
" they craved leave to protest before God and the
" high court of parliament, that if any further mi-
" series befell their dear brethren in Ireland, or if
" any mischief should break in upon this kingdom,
" to the endangering or disturbing the peace[x] thereof,
" it ought not to be imputed to them, but only to
" such, who should endeavour to hinder the effectual
" and speedy cure of those evils before recited, which
" did so much disable and discourage them from do-
" ing that which the house had desired of them."

Petitions likewise from several counties concerning the militia.

At the same time were presented other petitions, subscribed by many thousand hands, and in the names of the knights, gentlemen, and freeholders, and other inhabitants, of the counties of Middlesex, Essex, and Hertford; all which severally inveighed against the malignant party, which rendered the good endeavours of the house of commons fruitless; " desired that the votes of the bishops, and popish " lords, might be taken out of the house of peers; " that they might be put into a posture of defence,

[x] the peace] *Not in MS.*

" and the forts, and castles of the kingdom, into such " hands as the parliament might confide in; that so " Ireland might be relieved, and this kingdom made " happy: one of them adding, that the malignant " party of prelates and papists, and their adherents, " were inconsistent with the happy success of the " parliament." These petitions, and the answer of the common council of London, were thought ample materials for a conference with the lords, who might be thereby remembered of their duty; and to that purpose Mr. Pym delivered them at a conference, and after they were read, told them, " that " their lordships might in those petitions hear the " voice, or rather the cry of all England; and that " they were not to wonder if the urgency, the ex- " tremity of the condition we were all in, did pro- " duce some earnestness and vehemency of expres- " sion more than ordinary; the agony, terror, and " perplexity, in which the kingdom laboured, was " universal, all parts were affected with it; and " therefore in those petitions they might observe the " groans and miserable complaints of all." After a long discourse of the great and notorious dangers the kingdom was in, by invasions threatened from abroad, and insurrections from within, he told them, " the obstructions, that had brought them into that " distemper, were principally the obstruction of re- " formation in matters of religion; and that there " was never church or state afflicted with more griev- " ances of that kind, than we had been; and that " though they were partly eased and diminished by " the wisdom of the parliament, yet many still re- " mained; and as long as the bishops, and the cor- " rupt part of the clergy, continued in their power,

Mr. Pym delivers the petitions to the lords at a conference.

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" there would be little hope of freedom, either from " the sense of those that continued, or the fear of " those which were removed. And of that obstruc- " tion, he said, he must clear the commons, who were " in no part guilty of it. Some good bills they had " already passed, and others were in preparation, " and might have been passed before that time, if " they had not found such ill success in the other " house[y]: whatsoever mischief that obstruction should " produce, they were free from it; they might have " their part of the misery, they could have none in " the guilt or dishonour."

He told them, " there was a great obstruction in " trade, which brought food and nourishment to the " kingdom; and then having enlarged himself with " enumeration of the notable benefits the kingdom " received by the fulness of trade, he said, he must " protest, the house of commons had given no cause " to that obstruction: they had eased trade of many " burdens, and heavy taxes, and had freed it from " many hard restraints by patents and monopolies; " they had sought to put the merchants into security " and confidence in respect of the Tower of London, " that so they might be invited to bring in their " bullion to the mint, as heretofore they had done; " they were no way guilty of the troubles, the fears, " and public dangers, which made men withdraw " their stocks, and keep their money by them, to be " ready for such sudden exigents, as, in those great " distractions, they had too great cause to expect.

" There was an obstruction, he said, in the relief " of Ireland; but he must declare the commons were

[y] house] *Not in MS.*

" altogether innocent of any neglect therein: they " had agreed to the levies of men and money, and " from time to time, done all for the furtherance " thereof, though in the midst of many distractions " and diversions; but the want[z] of commissions for " levying men, that was the bill about pressing,[a] and " divers other impediments, had been the causes of " that obstruction. Nay, he said, he did not only " find impediments to themselves, but encourage- " ment to the rebels; for many of the chief com- " manders now in the head of the rebels, after both " houses had stopped the ports against all Irish " papists, had been suffered to pass, by his majesty's " immediate warrants, much to the discouragement " of the lords justices and council there, which were[b] " procured by some evil instruments too near his " royal person, and, they believed, without his know- " ledge and intention."

He said, " there was an obstruction in providing " for the defence of the kingdom, that they might be " enabled to resist a foreign enemy, and to suppress " all civil insurrections: what endeavour they had " used to remove them, but hitherto without that " success and concurrence which they expected, and " where their stop had been, and upon what grounds " they might proclaim their own innocency and faith- " fulness in that particular, they desired no other wit- " nesses but their lordships."

He told them, " the evil influences, which had " caused that distemper, were the evil councils about " the king, the great power, that a factious and in-

[z] want] wants

[a] about pressing,] for pressing,

[b] which were] and were

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"terested party had in parliament by the continu-
"ance of the votes of the bishops, and popish lords,
"in their lordships' house, and the taking in of
"others out of the house of commons, and, other-
"wise to increase their strength, the fomenting a
"malignant party throughout the kingdom, the jea-
"lousies between the king and his parliament." And after many bitter and seditious expressions of the court, and of all those who were not of his mind, he concluded, "that he had nothing to propose to their "lordships by way of request, or desire from the "house of commons; he doubted not, but their "judgments would tell them what was to be done; "their consciences, their honours, their interests, "would call upon them for the doing of it. The "commons would be glad to have their help and "concurrence in saving the[c] kingdom; but if their "lordships should fail, it should not discourage them "in doing their duty; and whether the kingdom be "lost, or saved, they should be sorry, that the story "of this present parliament should tell posterity, "that, in so great danger[d] and extremity, the house "of commons should be enforced to save the king-"dom alone, and that the house of peers should have "no part in the honour of the preservation of it, "they having so great an interest in the good suc-"cess of those endeavours, in respect of their great "estates, and high degrees of nobility."

As soon as this conference was ended, the speaker of the house of commons was appointed to give Mr. Pym solemn thanks for his so well performing that service, and to require him to deliver his speech in

[c] the] of the [d] so great danger] so great a danger

writing into the house, that it might[e] be printed; which was done accordingly, to the end that the people might understand, besides those reproaches upon the king, how negligent the house of peers were of their welfare and security. BOOK IV. 1642. His speech printed by order.

The same day and hour after that conference, a great number of people, in the name of the inhabitants of the county of Hertford, presented a petition to the house of peers; in which, amongst other particulars, "they complained of the delay of putting "the kingdom into a posture of war for their better "defence, and the want of compliance by that ho- "nourable house with the house of commons in en- "tertaining those many good motions, and passing "those necessary bills presented to them from that "house for the common good. And therefore they "desired them, for the better removing of all the "causes and springs of their fears and troubles, that "the evil counsellors, and others hindering the pub- "lic good, might be taken from his majesty, and the "voting of the bishops, and popish lords, to be re- "moved[f] out of that honourable house: and that the "petitioners, who would be ever ready to hazard "their lives and estates for the defence of the king "and parliament, the privileges of the same, and in "special those noble lords and gentlemen in both "houses, whose endeavours were for the public good, "might have liberty to protest against all those, as "enemies to the kingdom, who refused to join with "those honourable lords and the house of commons, "for the putting the kingdom into a way of safety,

[e] that it might] to the end it might

[f] bishops, and popish lords, to be removed] popish lords and bishops removed

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"; under the command of such persons, as the parlia-
" ment should appoint." But neither this, nor any of the other proceedings were resented by the house of peers, though their privileges were not only invaded, but the very freedom and liberty of parliament absolutely[g] taken away and destroyed thereby.

When the house of commons found that none of these extraordinary ways would throughly subdue the house of lords, but that, though they had very sturdy champions there, the major part, albeit the bishops and all the recusant lords were driven from thence, still opposed them, whereby neither the bill for the taking away the bishops' votes, nor about pressing,[h] could pass, and that they peremptorily still refused to join in the business of the militia; they found a new way, as unpractised and as unnatural as any of the former, whereby they would be sure to have an influence upon the house of peers. It is an old custom, and privilege of that house, that upon any solemn debate, whosoever is not satisfied with the conclusion and judgment of the house, may demand leave to enter his protestation, which must be granted. The original of this was in jealous times, when men desired, for avoiding the ill consequence of any act there, that their dissents might appear; and was very seldom practised, but when they conceived religion, or the crown, trenched upon; insomuch as you shall not find, in the journals of many parliaments, one protestation entered; and when there was any, there is no more in the records, than, after the resolution of the house is entered,[i] " that

[g] absolutely] were absolutely

[h] about pressing,] for pressing,

[i] entered,] *MS. adds:* and the number of those that were content and not content,

"such a lord desired that his protestation or dissent[k] "might be entered;" and oftentimes when several[l] have dissented from the general opinion, not above one or two[m] have entered their protestation.[n] But since this parliament, as they altered this custom[o] from cases of high concernment to the most trivial debates, the minor part ordinarily entering their protestation, to the end that their opinions might be taken notice of[p], and who were opposite to them, whereby the good and bad lords were known and published; so they altered the form, and, instead of short general entries, caused the matter of debate[q] to be summed up, and thereupon their protestation, "that they were not to be answerable for any incon-"veniences or mischiefs, that should befall the com-"monwealth by reason of this or that resolution." So that from an act, for the particular indemnity of the person that made it, it grew sometimes[r] to be a reproaching and arraigning the sense of the house by any factious number that disagreed. Then, because the house of peers is a court of record, they concluded, "that any man upon any occasion might "peruse the journals;[s]" and so every night the house of commons could see how the debates had been managed and carried all the day, and take public notice, and make use of it accordingly, which they could not do of those discourses they received from

[k] his protestation or dissent] his protestation, that is, his dissent

[l] several] ten

[m] or two] *Not in MS.*

[n] their protestation.] his protestation.

[o] this custom] the custom

[p] of] *Not in MS.*

[q] of debate] of the debate

[r] sometimes] *Not in MS.*

[s] the journals;] their journals;

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their confidents; for supplying whereof this unjustifiable method was found out.[t] For though it is a court of record, the highest court, and the acts and judgments of parliament are records, to which the subject may upon all occasions resort, yet they ought not to make use of that liberty in order to question[u] any words spoken, or acts done,[x] and remembered there; of which if the lords[y] are not the only judges, their privileges are much less than the commons in truth have, and may justly claim.

It happened, about this time, that upon some overture in the lords' house, which pleased them not, the violent party there, in a disorderly manner, cried out, *Adjourn, adjourn*, being not willing the matter should then come into debate; others were not willing that the house should adjourn. The duke of Richmond, troubled at that tumultuary and indirect proceeding, said, without directing himself to the speaker, "if they would adjourn, he wished it might "be for six months," or words to that effect; upon which some of the other party immediately[z] moved, "that the house might not rise, and that the duke "would explain[a] himself, and answer the making "such a motion, as, being granted, would be de-"structive to the commonwealth." The duke said, "he made no motion, but used that expression, to "shew his dislike of the other motion to adjourn at

[t] this unjustifiable method was found out.] this trick was most unjustifiably found out.

[u] yet they ought not to make use of that liberty in order to question] yet they have not liberty to examine or peruse their journal books, much less question

[x] acts done,] act done,

[y] the lords] they

[z] immediately] straight

[a] would explain] might explain

"that time, when there was business in agitation of "great concernment; and that, when he spoke, all "men being upon their feet, and out of their places, "he conceived the house had been up." Upon this he was required to withdraw; and then they, who had long looked upon him with great envy and animosity, as the only great person, and officer at court, who had discountenanced[b] their power, and their stratagems, and[c] had with notable courage always opposed their extravagances, and servile complying with the house of commons, and submitting to the tumults, and had with singular constancy preserved his duty and fidelity to his majesty unviolated, inveighed against that motion,[d] "as of too "serious a nature to be made a jest of, and fit to be "censured as most pernicious to this kingdom, and "destructive to Ireland; the war whereof could not "proceed, if the parliament should have been ad-"journed for six months, as his lordship had pro-"posed."

On the other side, it was alleged, "that the mo-"tion had never been made to the house; and there-"fore they ought no more to question, or take no-"tice of it, than of every light or frolic discourse or "expression, that negligently or casually fell from "any man; which would take away all liberty of "conversation. However, that if it had been seri-"ously and formally made, it could be no crime, it "being the necessary liberty and privilege of every "member, to make any motion he thought in his "judgment fit, which the house would approve, or "reject, as it found reasonable. And that, since it

[b] discountenanced] contemned
[c] and] *Not in MS.*
[d] that motion,] the motion,

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" was as much in the house's power to adjourn for " six months, as for six days, it was as lawful to " move the one as the other; of which there could " not be the least inconvenience, because the house " would be sure to reject it, if it were not found pro- " per." After a very fierce and eager debate, in which much bitterness and virulency was expressed, it was resolved by the major part, " that the duke " had committed no offence;" and so he was as regularly absolved as was possible. Hereupon the earls of Northumberland, Pembroke, Essex, and[e] Holland, who thought the duke's affection and duty to his master a reproach, and his interest prejudicial to them, with the rest of that party entered their protestation; " that whereas such a motion had been " made by the duke of Richmond, and upon being " questioned for the same, he had been acquitted by " the major part, they were free from the mischiefs " or inconveniences, which might attend the not pu- " nishing[f] of an offence tending so much to the pre- " judice of king or kingdom."

This protestation, by the advice of that night's meeting, was, the next day, taken notice of in the house of commons, and the matter itself of the motion enlarged upon,[g] by all possible and rhetorical aggravations, concerning the person, and his interests, according to the licence of that house, and that people. It was said, " here was an evil coun- " sellor, that had discovered himself, and no doubt " had been the author of many of those evil coun- " sels, which had brought that trouble upon us; that

[e] and] *Not in MS.*
[f] punishing] punishment
[g] enlarged upon,] extended,

" he had received his education in Spain, and had " been made a grandee of that kingdom, and had " been ever since notoriously of that faction; that " his sisters were papists, and therefore his affection " was to be questioned in religion; that, from the " beginning of this parliament, he had been opposite " to all their proceedings, and was an enemy to re- " formation; that he had vehemently opposed the " attainder of the earl of Strafford; was a friend to " bishops; and now, to prevent any possibility of re- " formation, which could not be effected without the " concurrence of the two houses, had[h] desperately " moved in the house of peers, where he had a great " faction, that it would adjourn for six months; in " which time the malignant party, of which he might " well be thought the head, and had the greatest in- " fluence upon the king's affections, would prevail " so far, that all future hopes would be rendered " desperate, and the kingdom of Ireland be utterly " lost, and possessed by the papists: that they were " therefore to take this opportunity, which God had " given them, to remove so malignant and danger- " ous a person from the king, and one so suspected,[i] " from so important a charge as the cinque ports, " of which the duke was lord warden, and to send " to the lords to join with them in a desire to the " king to that purpose."

On the other side, it was objected, that " whilst " they were so solicitous for[k] their own privileges, " and sensible of the breach and violation of them, " they could not more justify those, who had been

[h] had] and had

[i] one so suspected,] so suspected a one,

[k] for] of

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" the advisers of such breaches, than by offering the " like trespass to the privileges of the peers: that " the life of that council depended on[1] the liberty of " speech; and where there were so different minds, " there must be different expressions; and if one " house might take notice what the other house " said, or did, within those walls, the lords would as " well question their members, as they did now one " of the lords; which would take away all freedom " of debate: that they could not examine the cir- " cumstances, which attended that motion, if any " such was made; and therefore could not so much " as, in their private understandings, make a reason- " able judgment of it; but that they were naturally " to presume the circumstances were such, as took " away the offence of the motion; for that the major " part of that house where the words were spoken, " and at the time when they were spoken, had, upon " solemn debate, concluded, that there was no crime " in them; and that they were not only the proper, " but the only judges in that case: and if the com- " mons should intermeddle therewith, it was no " otherwise, than, by the strength of the major part " of the house of commons, to make the minor part " of lords superior to the major part of that house; " which they would not suffer to be offered to them- " selves."

It was alleged, " That the duke was a person of " great honour and integrity, and of so unblemished " a fame, that in all the discovery of the court- " offences, there was not any reflection upon him. " That his education had been, according to the best

[1] depended on] depended upon

" rules of the greatest persons, for some years be-
" yond the seas; and that, having spent more time
" in France and Italy, he visited Spain; where his
" great quality being known, and no question as a
" compliment to this kingdom, with which it was
" then in strait alliance and confederacy, that king
" had conferred the honour of grandee[m] upon him;
" which was of no other advantage or signification
" to him, than to be covered in the presence of that
" king, as the principal subjects there are. That his
" affection to the protestant religion was unquestion-
" able, and very eminent; and though his sisters,
" who had been bred under their mother, were Ro-
" man[n] catholics, yet his brothers, of whose educa-
" tion he had taken the sole care, were very good
" protestants.

" That his opinions in parliament had been very
" avowed, and were to be presumed to be according
" to his conscience, in the profession of which he was
" so public, that there was reason to believe he used
" no ill arts in private; since he had the courage
" to do that aloud, which he had reason to believe
" would displease many. That it would be a great
" prejudice and blemish to their counsels and dis-
" coveries, if after so long discourse of a malignant
" party, and evil counsellors, of which they had
" never yet named any, they should first brand this
" lord with that imputation upon such a ground and
" occasion, as must include[o] all those lords who had
" absolved him, which was the major part of the
" lords. In a word, that it would look as if they

[m] grandee] a grandee.

[n] Roman] *Not in MS.*

[o] include] conclude

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" had devised those new words to make men afraid, " and kept them in reserve to apply to all those, with " whom they were angry."

But notwithstanding all this, and all the reason that could be spoken on that part, and that there could be none on the other, after a debate of very many hours, till after nine of the clock at night, (the latest that ever was in the[p] parliament, but that of the remonstrance,) in which it was evident, that they meant, as far as in them lay, to confound all those, whom they could not convert; it was resolved by the majority of voices, not half of the house being present at that unseasonable time of the debate, " that they should accuse the duke of Richmond to " the lords to be one of the malignant party, and an " evil counsellor to his majesty; and to desire them " to join in a request to the king, that he might be " removed from any office or employment about his " person;" which was solemnly recommended[q] to the lords accordingly, and by them so far received, that though the desire was rejected, no dislike or disapprobation of the matter or the manner was in the least[r] discovered, or insisted on.

All things thus prepared, and so many lords driven and kept from the house, besides the bishops, and they that stayed there, by this last instance, instructed how to carry themselves, at least how they provoked the good lords to protest, they resolved once more to try whether the house of peers would be induced to join in the business of the militia, which they had twice refused; and to that purpose,

[p] the] *Not in MS.*
[q] recommended] commended
[r] in the least] in the least manner

their old friends of the city in the same numbers flocked to Westminster, but under the new, received, and allowed style of petitioners; but as unlike petitioners to any of those lords or commons, whom they understood to be malignant, as the other tumults had been. From these herds there were two notable petitions delivered to the house of commons, the one from the porters, their number, as they said, consisting of fifteen thousand; the other under the title of many thousands of poor people in and about the city of London. The porters, with great eloquence, confessed "the unexpressible pains "that honourable house had taken for the good of "church and state; which deserved to be recorded "to their eternal fame, though the effects of those "unwearied endeavours were not produced, by "reason of the prevalence of that adverse, malig-"nant, bloodsucking, rebellious party, by the power "of which the privileges of parliament, and the li-"berty of the subject was trampled upon, the rebel-"lion in Ireland increased, and all succours and "relief for that kingdom obstructed." They said, "That trade had been long languishing, but was now "dead by the fears, jealousies, and distractions they "lay under, for want of fortification of the cinque "ports, which was a great encouragement to the pa-"pists to make insurrections,[s] and did much animate "a foreign power to invade us: that by the dead-"ness of trade they did want employment in such a "measure, as did make their lives very uncomfort-"able; therefore their request was, that that ex-"treme necessity of theirs might be taken into seri-

[s] insurrections,] insurrection.

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" ous consideration, and that the honourable house " of commons would fall upon the speediest course " for abating and quelling the pride, outrage, and in- " solency of the adverse party at home; that the " land might be secured by fortifying the cinque " ports, and putting the people into a posture of de- " fence, that all their fears, or as many as could, " might be removed, and that trade might be again " set up and opened, that [t] their wants might be in " some measure supplied. They further desired that " justice might be done upon offenders, according as " the atrocity of their crimes had deserved; for if " those things were any longer suspended, they " should be forced to extremities not fit to be named, " and to make good that saying, that necessity hath " no law. They said they had nothing to lose but " their lives, and those they would willingly expose " to the utmost peril, in defence of the house of com- " mons, according to their protestation," &c.

The other was a petition in the names of many thousands of poor people, and brought by a multitude [u] of such, who seemed prepared for any exploit. I have thought fit, for the rareness of it, and the rare effect it produced, to insert that petition in terms as it was presented, thus.

To the honourable the house of commons now assembled in parliament.

" The humble petition of many thousands of poor " people in and about the city of London,

" Humbly sheweth, that your petitioners have " lain a long time under great pressures, and griev-

[t] that] that so

[u] a multitude] a great multitude

" ances both in liberties and consciences, as hath
" been largely, and sundry times, shewed and de-
" clared, by several petitions exhibited to this ho-
" nourable assembly both by the citizens and appren-
" tices of the city of London, and divers counties
" and parts of this kingdom, from which we hoped
" long ere this, by your pious care, to have been de-
" livered.

" But now we, who are of the meanest rank and
" quality, being touched with penury, are very sen-
" sible of the approaching storms of ruin, which hang
" over our heads, and threaten to overwhelm us, by
" reason of the sad distractions occasioned chiefly
" and originally, as your petitioners humbly conceive,
" by the prevalency of the bishops, and the popish
" lords, and others of that malignant faction; who
" make abortive all good motions, which tend to the
" peace and tranquillity of this kingdom of England,
" and have hitherto hindered the sending relief to
" our brethren in Ireland, although they lie welter-
" ing in blood; which hath given such head to the
" adversaries, that we justly fear the like calamities
" inevitably to befall us here, when they have vent-
" ed their rage and malice there.

" All which occasions so great a decay and stop
" of trade, that your petitioners are utterly impo-
" verished, and our miseries are grown insupporta-
" ble, we having already spent all that little means,
" which we had formerly, by God's blessing, and our
" great labour, obtained; and many of us have not,
" nor cannot tell where to get, bread to sustain our-
" selves and families; and others of us are almost ar-
" rived at the same port of calamity; so that unless
" some speedy remedy be taken for the removal of

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" all such obstructions, which hinder the happy pro-
" gress of your great endeavours, your petitioners
" shall not rest in quietness, but shall be forced to
" lay hold on the next remedy which is at hand, to
" remove the disturbers of our peace; want and ne-
" cessity breaking the bounds of modesty: and ra-
" ther than your petitioners will suffer themselves,
" and their families, to perish through hunger and
" necessity, though hitherto patiently groaned under,
" they cannot leave any means unessayed for their
" relief.

" The cry therefore of the poor and needy, your
" poor petitioners, is, that such persons, who are the
" obstacles of our peace, and hinderers of the happy
" proceedings of this parliament, and the enjoyment
" of the looked for purity of religion, safety of our
" lives, and return of our welfares, may be forthwith
" publicly declared, to the end they may be made
" manifest; the removal of whom we humbly con-
" ceive will be a remedy to cure our miseries, and
" put a period to these distractions: and that those
" noble worthies of the house of peers, who concur
" with your happy votes,[x] may be earnestly desired
" to join with this honourable house, and to sit and
" vote as one entire body; which we hope will re-
" move from us our destructive fears, and prevent
" that, which apprehension will make the wisest and
" peaceablest men to put into execution.[y]

" For the Lord's sake hear us, and let our religion,
" lives, and welfares be precious in your sight, that
" the loins of the poor may bless you, and pray," &c.

[x] with your happy votes,] with you in your happy votes,

[y] into execution] in execution.

After this scandalous and extravagant[z] petition delivered, the house, according to its gracious custom, ordered thanks to be given for their great kindness. To[a] the which when it was[b] delivered by the speaker, who told them that the house was in consideration of those things, whereof they complained, some of that rabble, no doubt as they had been taught, replied, "that they never doubted the house "of commons, but they heard all stuck in the lords' "house, and they desired to know the names of those "peers, who hindered the agreement between the "good lords and the commons:" which they pressed with unheard of rudeness and importunity, and with a seeming unwillingness withdrew, whilst the house took the matter into further consideration.[c]

Yet notwithstanding this provocation, and that it was urged by many members, some of[d] which had been assaulted and ill intreated by that rabble in their passage to the house, "that the countenancing "such licentious persons and proceedings would be "a great blemish to their counsels," they were again called in; and told, "that the house of commons "had endeavoured, and would continue those endea-"vours for their relief; and they doubted not, when "they had delivered their petition, and what they "had said, to the lords, which they would presently "do, the causes of their evils would be found out, "and some speedy course resolved upon for their re-"lief; and therefore desired them with patience to "attend a further answer." And accordingly that petition was solemnly read, and delivered to the

[z] scandalous and extravagant] horrible

[a] To] *Not in MS.*

[b] it was] *Not in MS.*

[c] consideration.] consultation.

[d] of] *Not in MS.*

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lords at a conference; and the conference no sooner ended, than Mr. Hollis, one of those five whom the king had accused a month before of high treason, was sent to the lords in a message to desire them, "that they would join with the house of commons in "their desire to the king about the militia;" to which he added, "that if that desire of the house "of commons was not assented to, he desired those "lords who were willing to concur, would find some "means to make themselves known, that it might "be known who were against them, and they might "make it known to those that sent them."

After which motion and message, the lords again resumed the debate; which the earl of Northumberland begun with a profession, "that whosoever re-"fused, in that particular, to join with the house of "commons, were, in his opinion, enemies to the "commonwealth;" when the major part of that house had twice before refused to concur with them in it. Yet when his lordship was questioned for that unparliamentary language, all the other lords of that faction joined with him; and declared, "that it was "their opinion[e] likewise:" the rabble being at the door to execute whatever they were directed: so that many lords, out of a just indignation to see their honours and their liberties sacrificed to the people by themselves; others, out of real fear of being murdered, if they should, in that conjuncture of time, insist on their former resolutions, withdrawing themselves; the major part of those, who stayed, concluded to join with the house of commons in their desire concerning the militia.[f]

The lords pass the bill touching the militia;

[e] opinion] opinions

[f] their desire concerning the militia.] their desire of the militia.

Within two days after this agreement and submission of the lords, another petition was presented to the commons, in the name of the inhabitants of the county of Surrey, by a multitude of people, who were, or pretended to be, of that county, and subscribed by above two thousand hands. Their petition was of the ordinary strain, full of devotion to the house of commons, and offering to execute all their commands; but with it they presented likewise a petition, which they intended to present to the lords, if they approved it, and was subscribed by above two thousand hands; by which it may appear where that petition was drawn, and when, however the hands were procured. The petition to the lords took notice "of their happy concurrence with the "house of commons in settling the militia, and forts, "in such hands as the commonwealth might confide "in, and the kingdom in such a posture as might be "for its defence and safeguard: yet they complained "of the miserable condition of Ireland, which, they "said, by the delay it had found amongst their lordships, notwithstanding the pressing endeavours of "the house of commons, together with many of "their lordships, had been exposed to the inhuman "cruelties of their merciless enemies. With like "grief they apprehended the distractions of this nation; the composure of which[g] was altogether "hopeless, so long as the king's throne was surrounded with evil counsellors, and so long as the "votes of popish lords and bishops were continued "in their house.

"Wherefore they did humbly pray, and beseech

[g] which] which, they said,

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"their lordships, that they would go on in a constant union with the house of commons, in providing for the kingdom's safety; that all evil counsellors might be found out, Ireland relieved; that the votes of the popish lords and bishops might be speedily removed; that so the peace of the kingdom might be established, the privileges of parliament vindicated, and the purity of religion settled and preserved. And, they said, they should be in duty obliged to defend, and maintain with their lives and estates, their lordships, as far as[h] they should be united with the honourable house of commons, in all their just and pious proceedings."

Which petition was read in the house of commons, and approved, and the petitioners thanked for their kind expressions therein; and then it was delivered by them at the bar of the house of peers; who, within a day or two, passed both the bill for taking away the bishops' votes, and that concerning pressing,[i] which nad lain so long desperate, whilst the lords came, and sat with freedom in the house. And these marvellous things done, they again adjourn both houses into London, to lay the scene for future action.

and the bills touching the bishops' votes, and pressing.

Both houses adjourn again into London.

Upon the second day[k] of February, some members, appointed by both houses, attended his majesty at Windsor with their petition, "that he would forthwith put the Tower of London, and all other forts, and the whole militia of the kingdom, into the hands of such persons, as should be recommended unto his majesty by both houses of parliament; which, they assured themselves, would be a

Both houses petition the king touching the Tower, forts, and militia, &c. Feb. 2.

[h] as far as] so far as

[i] and that concerning pressing,] and for pressing,

[k] day] *Not in MS.*

"hopeful entrance into those courses, which, through "God's blessing, should be effectual for the remov- "ing all diffidence, and misapprehension between[l] "his majesty and his people; and for establishing "and enlarging the honour, greatness, and power of "his majesty, and royal posterity; and for the re- "storing and confirming the peace and happiness of "his loyal subjects in all his dominions. And to "that their most necessary petition, they said, they "did, in all humility, expect his speedy and gracious "answer, the great distractions, and distempers of "the kingdom, not admitting any delay." 1642.

At the same time they likewise presented another petition to him, concerning the accused members; in which they besought him "to give directions, "that the parliament[m] might be informed, before "Friday next, (which was within two days,) what "proof there was against them, that accordingly "they might be called to a legal trial; it being the "undoubted right and privilege of parliament, that "no member of parliament could be proceeded "against, without the consent of parliament."

His majesty now found that these persons could not be compounded with, and that their purpose was, by degrees, to get so much power into their hands, that they need not care for what was left in his; and that the lords were in no degree to be relied upon[n] to maintain their own privileges, much less to defend his rights; and that they had the power generally to impose[o] upon the people's understanding,[p] con-

[l] between] betwixt

[m] the parliament] his parliament

[n] relied upon] relied on

[o] generally to impose] to impose generally

[p] understanding,] understandings,

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trary to their own senses, and to persuade them, "that they were in danger to be invaded by foreign "enemies," when the king was not only in peace with all Christian princes, but almost all other nations so embroiled in war, that they all desired the friendship and assistance of England; none was in case or condition to disturb it: "and that there was "a decay and deadness of trade, and want and po- "verty growing upon the whole kingdom," when no man living had ever remembered the like plenty over the whole land, and trade was at that height, that the like had never been known.

The king resolves to remove farther from London.

He resolved therefore to remove himself to a greater distance from London, where the fears and jealousies grew; and constantly to deny to pass any act, that should be recommended to him from the two houses, except what might concern Ireland, till he might have a full prospect of all they intended to demand, and an equal assurance how far they intended to gratify him for all his condescensions; which resolution was very parliamentary, it having been rarely known, till this present parliament, that the king consented to any acts, till the determination of the session.

The truth is, when his majesty found the extreme ill success of the accusation against the members, and that the tumults, and the petitioners, were no other than an army at the disposal of those, in whom he had no reason to put his confidence, and that all such, who expressed any eminent zeal to his service, would be taken from him under the style of delinquents and malignants, he resolved that the queen, who was very full of fears, should go to Portsmouth, colonel Goring, who was governor thereof, having

found means to make good impressions again in their majesties of his fidelity; and that himself would go to Hull, where his magazine of cannon, arms, and ammunition [q] was; and that being secured in those strong places, whither they who wished him well might resort, and be protected, he would sit still, till they who were over-active would come to reason. BOOK IV. 1642.

But this, though resolved with so much secrecy, that it was not communicated to three persons, (as I have been since assured by those who knew,) whether by the treachery of one of those few, or by the curiosity of others, (which I rather believe,) who found means to overhear all private discourses, (as both bedchambers were inhabited, and every corner possessed, by diligent spies upon their master and mistress,) was imparted to those, who procured those orders before mentioned for Hull and Portsmouth; by reason whereof, and the advice, and promise of many lords, "that they would firmly unite themselves for the just support of the regal power," with the extreme apprehension the queen had of danger, that counsel was laid aside. That which wrought so much upon the queen's fears, besides the general observation how the king was betrayed, and how his rights and power were every day wrested from him, was an advertisement, that she had received, of a design in the prevalent party, to have accused her majesty of high treason; of which, without doubt, there had been some discourse in their most private cabals, and, I am persuaded, was imparted to her upon design, and by connivance, (for there were some incorporated into that faction, who

[q] ammunition] munition

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exactly knew her nature, passions, and infirmities,) that the disdain of it might transport her to somewhat, which might give them advantage. And shortly after that discovery to her majesty, those persons before mentioned were accused of high treason; yet afterwards, when they had received the full fruits, they found means to complain, "as a great ar- "gument of the malignity of those persons of near- "ness to both their majesties, that an infusion had "been made to the queen, that there was a purpose "of accusing her of high treason," and solemnly by message "besought her to discover, who had done "that malicious office;" when they very well knew who it was, and for whose sake the queen was brought to return answer, "that she had heard such "a discourse, but took no notice of it, as never be- "lieving it:" whereas, if she could [r] have been compelled to have discovered, how they knew that the queen had been informed, all the secret would have appeared; the same person first telling her what was in projection against her, and then returning intelligence of any expressions and distemper, he might easily observe upon the apprehension which the other begot. [s]

But both king and queen were then upon that disadvantage, that all their words and actions, which were the pure results of their own reasons and judgments upon what they saw every day occurred, were called the effects of evil counsels, that so they might take the liberty to reproach them with the more licence; whilst what they received by the most secret perjury of bedchamber spies, or what they forged

[r] she could] they could. [s] begot.] begat.

themselves, was urged as the result[t] of common fame, or the effects of their fears and jealousies, to the rancour of which the most precious balm of the crown must be applied. And therefore it was concluded, "that the queen should take the opportunity "of her daughter the princess Mary's journey into "Holland," (who had been before married to the young prince of Orange, and was now solemnly desired by the States ambassadors to come into that country,) "to transport herself into Holland, pa- "tiently to expect an amendment of the affairs of "England; and that the king should retire into the "north, and reside at York, and deny all particu- "lars, till the whole alteration should be framed." But the first resolution concerning the queen was only published; the other, concerning the king, communicated to very few; both their majesties being reduced to so great wants, that the queen was compelled to coin, or sell, her chamber plate, for the supply of her most necessary occasions, there being no money in the exchequer, or in the power of the ministers of the revenue; the officers[u] of the customs, out of which the allowance for the weekly support of their majesties' household had been made, being enjoined by the house of commons, not to issue out any money, without their particular consent and approbation.

It was evident now that the accused members were too mighty for the king, or the law, and that they would admit no other judges of their guilt, than themselves, nor rules of proceeding, than the plurality of their own voices: and therefore the

[t] result] resultants

[u] the officers] and the officers

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king resolved to give over any more thought of that business. And so to that petition he answered, "that as he once conceived that he had ground "enough to accuse them, so now he found as good "cause wholly to wave[x] any prosecution of them." The other petition concerning the militia gave him more trouble; for though he was resolved in no degree to consent to it, yet he was willing, till all things could be ready for the queen's journey, and so for his own remove, rather[y] to delay it, than deny it; lest the same army of petitioners might come to Windsor to persuade him; which had converted, or prevailed over the house of peers. And he was persuaded by some, who thought they knew the temper of both houses, that though they were now united in the matter, they might easily be divided upon the circumstances; and that they would not be of one mind in the election of the persons to be confided in. So that[z] to that petition his majesty returned this answer:

The king's answer to the petition concerning the militia.

"That he was willing to apply a remedy not "only to their dangers, but to their doubts and "fears; and therefore, that when he should know "the extent of power, which was intended to be "established in those persons, whom they desired "to be commanders of the militia in the several "counties, and likewise to what time it should be "limited, that no power should be executed by[a] his "majesty alone without the advice of parliament, "then he would declare, that he would be content "to put in all the forts, and over the militia, such "persons as both houses of parliament should either

[x] wave] desert
[y] rather] *Not in MS.*
[z] that] *Not in MS.*
[a] by] to

" approve, or recommend to him; so that they be- " fore declared the names of the persons, whom " they would approve or recommend, and so that no " persons should be named by them, against whom " his majesty should have just and unquestionable " exception."

Which answer, though it was not a consent, gave them notable encouragement, and exceedingly united the vulgar minds to them; who concurred only with them, as they saw them like to prevail in what they went about. And there was no danger of any disunion in the nomination of persons; because, though they should at first admit such into the number, whom they could not sufficiently trust, nor plausibly except against, yet when they were once possessed of the power of nomination, they might easily weed out those, which were not agreeable to the soil they were planted in. However this would take up some time; and therefore to keep the king's inclination to gratify them (for so they would understand it) warm, the same day they received this answer, they returned a message of thanks; and desired his majesty, " whilst they were preparing all other par- " ticulars according to his command, that he would " confer the custody of the Tower upon sir John " Coniers," whom they had lately recommended to his majesty,[b] as a person of great merit. With which being surprised, and desired likewise by sir John Byron to free him from the agony and vexation of that place, which had exposed his person and reputation to the rage and fury of the people,

The house of commons return the king thanks; and desire sir John Coniers may be made lieutenant of the Tower.

[b] whom they had lately recommended to his majesty,] whom his majesty had lately recommended to them,

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and compelled him to submit to such reproaches, as a generous spirit could not brook without much regret; for he had upon frivolous surmises been sent for as a delinquent, and been brought upon his knees at the bar of both houses; his majesty consented to that alteration, and made sir John Coniers lieutenant of the Tower. Which was such an instance of his yielding upon importunity, that from that time they thought themselves even possessed of the whole militia of the kingdom.

The king consents to it.

Whilst all diligence was used in making preparation for the queen's journey, to divert their councils from other inquisition,[c] the king (who had received so many sharp expostulations for breach of privileges, and other attempts upon their reputations) resolved, upon the publication of a bold scandal upon himself by one of their principal members, to expostulate with them, and try what satisfaction and reparation they were prepared to give him,[d] who exacted so much from him. All opportunities had been taken in public, and all licence given to private and clandestine forgeries to lay odious or envious imputation on the king and queen, in the business of Ireland; and to impute the progress and success of that rebellion to a connivance, if not a countenance, from the court: the not levying men, and[e] sending provisions, imputed to his majesty; though he had, as is before observed, offered to levy ten thousand volunteers for that service, and had consented cheerfully to every proposition, that had been made with the least reference to the assistance

[c] inquisition,] inquisitions,
[d] give him,] give to him,
[e] and] and not

of that kingdom. Indeed he was so alarmed[f] with those perpetual odious suggestions,[g] which he perceived wrought very pernicious effects in the minds of the people, that he was compelled to consent to many things contrary to his judgment and kingly policy, to prevent greater inconveniences by those scandals, which he saw were prepared for him. So when several propositions were recommended to him by the two houses concerning those supplies, which were to be sent out of Scotland, amongst the rest, there was one, "that the Scots should have "the command and keeping of the town and castle "of Carrickfergus; and if any regiments, or troops, "in that province should join with them, that they "should receive orders from the commander of the "Scottish[h] forces." The king consented to all the rest, though there were matters unreasonable enough in favour of that nation; but, "that," he said, "he "could not approve of;" and wished "the houses "to take that proposition again into consideration, "as a business of very great importance, which he "doubted might prove prejudicial to the crown of "England, and the service intended." And he said, "if the houses desired it, he would be willing to "speak with the Scottish[i] commissioners, to see "what satisfaction he could give them therein." This answer was no sooner read, but both houses voted, "that whosoever gave the king advice, or "counsel, to send that answer, was an enemy to the "king and kingdom," and a committee appointed to find out who those evil counsellors were. So

[f] alarmed] alarumed
[g] suggestions,] impositions,
[h] Scottish] Scotch
[i] Scottish] Scotch

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that, the Scottish[k] commissioners pressing him, "that, being their native king, he would not pub-"lish a less trust and confidence in them, than "their neighbour nation had done," his majesty thought fit to consent to the whole, as the two houses had advised.

Then, in the carrying on the war, they allowed his majesty so little power, that when he recommended some officers of prime quality, reputation, and experience in the war, to the lord lieutenant to be employed in that service, the house of commons by express order, and after they knew that his majesty had recommended them, rejected them, because they were taken notice to have attended upon the king at Whitehall, as a guard to his person. And, after all this, they took all occasions to asperse him with any omissions that were in that great work; as Mr. Pym had more particularly done, in that speech before taken notice of, at the conference with the lords, upon the delivery of those seditious petitions; of which the king could not take notice, lest he should be again reproached with breach of privilege.

But when that speech was printed by order of the house, the king thought he had an opportunity to require a vindication; and therefore, in a letter to the speaker, he sent this message: "That he "had taken notice of a speech, pretended by the "title to have been delivered by Mr. Pym in a con-"ference, and printed by order of the house of com-"mons; in which it was affirmed, that since the

The king demands reparation for an expression in a printed speech of Mr. Pym's.

[k] Scottish] Scotch

" stop upon the ports against all Irish papists of " both houses,[1] many of the chief commanders, now " in the head of the rebels, have been suffered to " pass by his majesty's immediate warrant: and be- " ing certain of having used extreme caution in the " granting of passports into Ireland, he conceived, " either that paper not to have been so delivered, " and printed, as is pretended; or that house to " have received some misinformation. And there- " fore his majesty desired to know, whether that " speech had been so delivered and printed; and if " it had, that the house would review, upon what " information that particular had been grounded, " that either it might be found upon reexamination " false, and so both the house, and his majesty, to " have been injured by it; or that his majesty might " know, by what means, and by whose fault, his au- " thority had been so highly abused, as to be made " to conduce to the assistance of that rebellion, " which he so much detested and abhorred; and " that he might see himself fully vindicated from " all reflections of the least suspicion of that kind."

The house of commons' answer.

It was some time before they would vouchsafe any answer to the king upon this message; but at last they returned, " that the speech, mentioned in " that message, was printed by their order, and " what was therein delivered was agreeable to the " sense of the house: that they had received divers " advertisements concerning the several persons, " Irish papists, and others, who had obtained his " majesty's immediate warrant for their passing " into Ireland, since the order of restraint of both

[1] of both houses,] by both houses,

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"houses; some of which, as they had been in-
"formed, since their coming into Ireland, had
"joined with the rebels, and been commanders
"amongst them; and some others had been stayed,
"and were yet in safe custody."

Then they named some, to whom licences had been granted before the order of restraint, and were still in England; and said, "there were others, "whose names they had not yet received, but "doubted not, upon examination, they would be "discovered."

The king's reply.

To this the king replied, and told them, "that as "he had expressed a great desire to give them all "possible satisfaction to all their just requests, and "a readiness to rectify, or retract, any thing done "by himself, which might seem to intrench[m] upon "their privileges by any mistake of his; so he hoped, "they would be ready, upon all occasions, to mani-"fest an equal tenderness and regard of his honour, "and reputation with his subjects: and therefore "he expected they should review his message con-"cerning Mr. Pym's speech, and their answer, with "which he could not rest satisfied. He said, he "was most assured that no person, who had com-"mand in the head of the rebels, had passed by his "warrant, or privity. And then, he desired them "to consider, whether such a general information, "and advertisement, as they implied in their an-"swer, without the name of any particular person, "was a[n] ground enough for such a direct and posi-"tive affirmation, as was made in that speech; "which, in respect of the place and person, and be-

[m] intrench] trench [n] a] *Not in MS.*

"ing now acknowledged to be according to the "sense of the house, was of that authority, that his "majesty might suffer in the affections of many of "his good subjects, and fall under a possible con- "struction, considering many scandalous pamphlets "to such a purpose, of not being sensible enough of "that rebellion, so horrid and odious to all Chris- "tians; by which, in that distraction, such a dan- "ger might possibly ensue to his majesty's person "and estate, as he was well assured they would en- "deavour to prevent. And therefore he thought it "very necessary, and expected that they should "name those persons who had passed by his licence, "and were then in the head of the rebels: or if, "upon their reexamination, they did not find parti- "cular evidence to prove that assertion, (as he was "most confident they never could,) as that affirma- "tion, which reflected upon his majesty, was very "public, so they would publish such a declaration, "whereby that mistake might be discovered; he "being the more tender in that particular which "had reference to Ireland, and being [o] most assured, "that he had been, and was, from his soul, resolved "to discharge his duty, for the relief of his poor "protestant subjects, and the utter rooting out that "rebellion; so that service had not suffered for the "want of any thing proposed to him, and within "his power to grant."

He said, "in this matter he had diligently exa- "mined his own memory, and the notes of his se- "cretaries;" and then named all the Irish persons to whom he had given any licences to go into that

[o] and being] as being

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kingdom, since the beginning of that rebellion;[p] and said, "he was well assured, none of them were "with the rebels; and though some of them might "be papists, yet he had no reason to have[q] any sus- "picion of them, in respect of their alliance with "persons of great honour and power in that king- "dom, of whose fidelity to him he had good assur- "ance; and the lords justices themselves having "declared, that they were so far from owning a "jealousy of all papists there, that they had put "arms into the hands of divers noblemen of that "religion, within the pale, which the parliament "had well approved of. And therefore, unless the "first affirmation of the house of commons could be "made good by some particulars, he expected a "vindication by such a declaration as he had pro- "posed; which, he said, was, in duty and justice, "due to him."

But this, and any thing else could be said, was so far from procuring any reparation,[r] that when they perceived the king still pressed for that justice, and apprehended that many would believe it due to him, and that the prejudice they had raised to him for Ireland would be removed thereby, they confidently published another declaration of several persons' names, to whom they said the king had granted passes, and were then commanders in the rebels' army, of whose names his majesty had never before heard, to whom no passes had been granted, neither did he believe that there were such men in nature; and so left the people to believe as they found

[p] that rebellion;] the rebellion;

[q] to have] to discover

[r] reparation,] *MS. adds:* or his majesty from receiving any,

themselves inclined upon the king's denial, or their so particular and positive affirmation.

These proceedings of the parliament made a deep impression upon all noble and generous persons, who found that their pride and ambition was so great, that they resolved to remove all persons,[s] who were like to stand in their way, by opposing any thing they desired, or by filling any place, or office, which they designed should be executed by some other person, in whom they could confide. The earl of Newcastle, who was governor to the prince, knew very well in what prejudice he stood with the earls of Essex and Holland, (two very powerful persons,) upon the account of the challenge formerly mentioned to be sent by him to the latter of the two, who would be glad of any opportunity to expose him to an affront; and that they would find occasions[t] enough upon the account of his known affections to the king's service, from which it was not possible to remove or startle him. He knew they liked not that he should have the government of the prince, as one, who would infuse such principles into him, as would not be agreeable to their designs, and would dispose him to no kindness to their persons, and that they would not rest, till they saw another man in that province; in order to which, they would pick all quarrels they could, and load him with all reproaches, which might blast him with the people, with whom he had a very good reputation. Upon those considerations, and some other imaginations upon the prospect of affairs, he very wisely resolved to retire from the

The earl of Newcastle resigns his place of governor to the prince.

[s] persons,] persons out of their way,

[t] occasions] opportunities

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court, where he had expended much of his own fortune, and only made himself obnoxious to the malice and envy of other pretenders; and desired the king to approve of this his reasonable inclination, and to put the prince under the tuition of some person of honour of unquestionable fidelity to him, and above the reach of popular disapprobation; and at the same time mentioned the marquis of Hertford, who was indeed superior to any temptations. The king could not dislike the earl's judgment upon his own interest and concernment; and did foresee likewise that he might probably have occasion to use his service under another qualification; and therefore was well contented to dismiss him from the prince.

The marquis of Hertford succeeds him.

The marquis of Hertford was a man of great honour, interest, and estate,[u] and of an universal esteem over the whole[x] kingdom; and though he had received many and continued disobligations from the court, from the time of this king's coming to the crown, as well as during the reign of king James, in both which seasons, more than ordinary care had been taken to discountenance and lessen his interest; yet he had carried himself with notable steadiness, from the beginning of the parliament, in the support and defence of the king's power and dignity, notwithstanding all his allies, and those with whom he had the greatest familiarity and friendship, were of the opposite party; and never concurred with them against the earl of Strafford, whom he was known not to love, nor in any other extravagancy.

[u] interest, and estate,] great interest in fortune and estate,

[x] whole] *Not in MS.*

And then, he was not to be shaken in his affection to the government of the church; though it was enough known that he was in no degree biassed to[y] any great inclination to the person of any churchman. And with all this, that party carried themselves towards him with profound respect, not presuming to venture their own credit in endeavouring to lessen his.

It is very true, he wanted[z] some of those qualities, which might have been wished to be in a person to be trusted in the education of a great and hopeful[a] prince, and in the forming of his mind and manners in so tender an age. He was of an age not fit for much activity and fatigue, and loved, and was even wedded so much to his ease, that he loved his book above all exercises; and had even contracted such a laziness of mind, that he had no delight in an open and liberal conversation; and cared not to discourse, and argue on[b] those points, which he understood very well, only for the trouble of contending; and could never impose upon himself the pain that was necessary to be undergone in such a perpetual attendance: but then those lesser duties might be otherwise provided for, and he could well support the dignity of a governor, and exact that diligence from others, which he could not exercise himself; and his honour was so unblemished, that none durst murmur against the designation; and therefore his majesty thought him very worthy of the high trust, against which there was no other exception, but that he was

[y] to] by

[z] he wanted] in many respects he wanted

[a] hopeful] a hopeful

[b] on] in

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not ambitious of it, nor in truth willing to receive and undergo the charge, so contrary to his natural constitution. But in[c] his pure zeal and affection for the crown, and the conscience, that in this conjuncture his submission might advance the king's service, and that the refusing it might prove disadvantageous to his majesty, he very cheerfully undertook the province, to the general satisfaction and public joy of the whole kingdom; and to the no little honour and credit of the court, that so important and beloved a person would attach himself to it under such a relation, when so many, who had scarce ever eaten any bread but the king's, detached themselves from their dependence, that they might without him, and against him, preserve and improve those fortunes, which they had procured and gotten under him, and by his bounty.

The king pressed to pass the bill against the bishops' votes.

Now[d] the bill for the taking away the votes of bishops out of the house of peers, which was called a bill for taking away all temporal jurisdiction from those in holy orders, was no sooner passed the house of peers, than the king was earnestly desired "to "give his royal assent to it." The king returned, "that it was a matter of great concernment; and "therefore he would take time to advise, and would "return an answer in convenient time." But this delay pleased not their appetite; they could not attempt their perfect reformation in church and state, till those votes were utterly abolished; therefore they sent the same day again to the king, who was yet at Windsor, and gave him reasons to persuade him "immediately to consent to it; one of which was

[c] in] *Not in MS.* [d] Now] *Not in MS.*

" the grievances the subjects suffered by the bishops[c] " exercising of temporal jurisdiction, and their mak- " ing a party in the lords' house: a second, the great " content of all sorts by the happy conjunction of " both houses in their absence: and a third, that the " passing of that bill would be a comfortable pledge " of his majesty's gracious assent to the future reme- " dies of those evils, which were to be presented to " him, this once being passed."

Reasons sufficient to have converted him, if he had the least inclination or propensity to have concurred with them. For it was, upon the matter, to persuade him to join with them in this, because, that being done, he should be able to deny them nothing.

However those of greatest trust about the king, and who were very faithful to his service, though in this particular exceedingly deceived in their judgments, and not sufficiently acquainted with the constitution of the kingdom, persuaded him " that the " passing this bill was the only way to preserve the " church, there being so united a combination in this " particular, that he would not be able to withstand " it. Whereas, by the passing this bill, so many per- " sons in both houses would be fully satisfied, that " they would join in no further alteration: but, on " the other hand, if they were crossed in this, they " would violently endeavour an extirpation of bi- " shops, and a demolishing of the whole fabric of the " church.

" They alleged that he was, upon the matter, depriv- " ed of their votes already, they being not suffered to " come to the house, and the major part in prison

[c] the bishops] their

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" under an accusation of high treason, of which there " was not like to be any reformation, till these pre- " sent distempers were composed; and then that by " his power, and the memory of the indirect means " that had been used against them, it would be easier " to bring them in again, than to keep them in now. " They told him, there were two matters of great " importance pressed upon him for his royal assent, " but they were not of equal consequence and con- " cernment to his sovereign power; the first, that " bill touching[f] the bishops' votes; the other, the " whole militia of the kingdom, the granting of which " would absolutely divest him of all regal power; " that he would not be able to deny both; but by " granting[g] the former, in which he parted with no " matter of moment, he would, it may be, not be " pressed in the second; or if he were, that as he " could not have a more popular quarrel to take up " arms, than to defend himself, and preserve that " power in his hands, which the law had vested in " him, and without which he could not be a king; " so he could not have a more unpopular argument " for that contention, than the preservation of the " bishops in the house of peers, which few men " thought essential, and most men believed prejudi- " cial, to the peace and happiness of the kingdom."

These arguments, though used by men whom he most trusted, and whom he knew to have opposed that bill in its passage, and to be cordially friends to the church of England in discipline and doctrine, prevailed not so much with his majesty, as the persuasions of the queen; who was not only persuaded

[f] touching] for [g] granting] the granting

to think those reasons valid,[h] (and there are that believe that infusion to have been made in her by her own priests, by instructions from France, and for reasons of[i] state of that kingdom,) but that her own safety very much depended upon the king's consent to that bill; and that, if he should refuse it, her journey into Holland would be crossed by the parliament, and possibly her person in danger either by the tumults, which might easily be brought to Windsor from Westminster, or by the insurrection of the countries in her passage from thence to Dover, where she intended to take shipping. Whereas by her intercession with the king to do it, she would lay a most seasonable and popular obligation upon the whole nation, and leave a pleasant odour of her grace and favour to the people behind her, which would prove much to her advantage in her absence; and she should have the thanks for that act, as acquired by her goodness, which otherwise would be extorted from the king, when she was gone.

These insinuations and discourses so far satisfied the queen, and she the king, that, contrary to his most positive resolution, the king consented, and sent a commission for the enacting both that bill, and the other about[k] pressing; which was done accordingly, to the great triumph of the boutefeus, the king sending the same day that he passed those bills, which was the fourteenth of February, a message to both houses; "That he was assured his having passed "those two bills, being of so great importance, so "suddenly, would serve to assure his parliament,

The king passes that bill, and the other of pressing, Feb. 14.

[h] valid,] *MS. adds:* and that indeed the church could be only that way preserved,

[i] of] in

[k] about] for

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"that he desired nothing more than the satisfaction "of his kingdom." For Ireland, he said, "as he had "concurred in all propositions made for that service "by his parliament, so he was resolved to leave no- "thing undone for their relief, which should possibly "fall within his power,[l] nor would refuse to venture "his own person in that war, if the parliament should "think it convenient, for the reduction of that mi- "serable kingdom."

The passing that bill for taking away the bishops' votes, exceedingly weakened the king's party; not only as it swept[m] away so considerable a number out of the house of peers, which were constantly devoted to him; but as it made impression on others, whose minds were in suspense,[n] as when foundations are shaken.[o] Besides, they that were best acquainted with the king's nature, opinions, and resolutions, had reason to believe, that no exigence could have wrought upon him to have consented to so anti-monarchical an act; and therefore never after retained any confidence, that he would deny what was importunately asked; and so, either absolutely withdrew themselves from those consultations, thereby avoiding the envy, and the danger of opposing them, or quietly suffered themselves to be carried by the stream, and to[p] consent to any thing that was boldly and lustily attempted.

And then it was so far from dividing the other party, that I do not remember one man, who vehe-

[l] which should possibly fall within his power,] which should fall within his possible power,

[m] it swept] it perpetually swept

[n] suspense,] suspense, and shaken,

[o] shaken.] dissolved.

[p] to] *Not in MS.*

mently [q] insisted on, or indeed heartily wished, the passing of that bill, that ever deserted them, till the kingdom was in a flame: but, on the contrary, very many, who cordially and constantly opposed that act, as friends rather to monarchy than religion, after that bill, never considered or resisted any attempt, or further alteration, in the church, looking on [r] the bishops as useless to sovereignty, and so not of importance enough to be defended [s] by the sword. And I have heard the same men, who urged before, "that "their places in that house had no relation to the "discipline of the church, and their spiritual juris- "diction, and therefore ought to be sacrificed to the "preservation of the other, upon which the peace "and unity of religion so much depended," since argue, "that since their power in that house, which "was a good outwork to defend the king's from in- "vasion, was taken away, any other form of govern- "ment would be equally advantageous to his ma- "jesty; and therefore, that he ought not to insist on "it, with the least inconvenience to his condition."

But [t] that which was above, or equal to all this, was,[v] that, by his majesty's enacting those two bills, he had, upon the matter, approved the circumstances of their passage, which had been by direct violence, and almost [u] force of arms; in which case, he ought not to have confirmed the most politic, or the most pious constitutions: *Male posita est lex, quæ tumultuarie posita est,* was one of those positions of Aristotle, which hath never been since contradicted; and was an advantage, that, being well managed,

[q] vehemently] furiously
[r] on] upon
[s] to be defended] to defend
[t] But] *Not in MS.*
[v] was,] *Omitted in MS.*
[u] almost] *Not in MS.*

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and stoutly insisted upon, would, in spite of all their machinations, which were not yet firmly and solidly formed, have brought them to a temper of being treated with. But I have some cause to believe, that even this argument, which was unanswerable for the rejecting that bill, was applied for the confirming it; and an opinion that the violence and force, used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make that act good, which was in itself null. And I doubt this logic had an influence upon other acts of no less moment than these: but it was an erroneous and unskilful suggestion; for an act of parliament, what circumstances soever concurred in the contriving and framing it, will be always of too great reputation to be avoided, or to be declared void, by the sole authority of any private persons, or [x] the single power of the king himself. And though the wisdom, sobriety, and power, of a future parliament, if God shall ever bless the kingdom with another regularly constituted, may find cause to declare this or that act of parliament void; yet there will be the same temper requisite to such a declaration, as would serve to repeal it. And it may be then, many men, who abhorred the thing when it was done, for the manner of doing it, will be of the civilians' opinion, *fieri non debuit, factum valet;* and never consent to the altering of that, which they would never have consented to the establishing of [y]: neither will that single precedent of the judges in the case of king Henry the Seventh, when they declared the act of attainder to be void by the accession of the crown, (though if

[x] or] on

[y] of] *Not in MS.*

he had in truth been the person, upon whom the crown had lineally and rightfully descended, it was good law,) find, or make, the judges of another age parallel to them, till the king hath as strong a sword in his hand, and the people as much at his devotion and disposal; and then the making, and declaring law, will be of equal facility, though, it may be, not of equal justice. How much soever the king's friends were, for the reasons aforesaid, dejected upon the passing those two acts, it is certain, they who thought they got whatever he lost, were mightily exalted, and thought themselves now superior to any opposition: and what returns of duty and acknowledgment they made to the king for that grace and favour, is to be remembered in the next place.

The same day those two acts were by his majesty's commission passed, [z] and as soon as a very short message of thanks for that favour, as much importing the safety of both kingdoms, of England and Ireland, was consented to, an ordinance for the settling the militia was agreed on [a] by both houses, and, together with a list of the names of such persons as for the present they meant to confide in, was immediately sent to the king for his approbation; the which, being the most avowed foundation of all the miseries that have followed, will be here necessary to be inserted in the very terms and form it was agreed upon, and presented; and was as followeth.

An ordinance agreed on by both houses for settling the militia.

An ordinance of both houses of parliament for the ordering of the militia of the kingdom of England, and dominion of Wales.

"Whereas there hath been of late a most danger-

[z] passed,] confirmed,

[a] agreed on] consented to

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" ous and desperate design upon the house of com-
" mons, which we have just cause to believe to be
" the effect of the bloody counsels of the papists, and
" other ill affected persons, who have alréady raised
" a rebellion in the kingdom of Ireland, and, by rea-
" son of many discourses, [b] we cannot but fear they
" will proceed, not only to stir up the like rebellion
" and insurrection [c] in this kingdom of England, but
" also to back them with forces from abroad; for the
" safety therefore of his majesty's person, the parlia-
" ment, and kingdom, in this time of imminent dan-
" ger, it is ordained by the king, the lords, and com-
" mons, now in parliament assembled, That
" shall have power to assemble, and call together,
" all and singular his majesty's subjects within the
" county of as well within liberties, as with-
" out, that are meet and fit for the wars, and them
" to train, exercise, and put in readiness, and them,
" after their abilities, and faculties, well and suffi-
" ciently, from time to time, to cause to be arrayed
" and weaponed, and to take the muster of them
" in places most fit for that purpose. And
" shall have power within the said county to nomi-
" nate and appoint such persons of quality, as to
" him shall seem meet, to be his deputy lieutenants
" to be approved of by both houses of parliament:
" and that any one, or more of the said deputies, so
" assigned and approved of, shall in the absence, or
" by the command of the said have power and
" authority to do and execute within the county of
" all such powers and authorities, before
" in this present ordinance contained; and shall have

[b] discourses,] discoveries. [c] insurrection] insurrections

" power to make colonels, and captains, and other
" officers, and to remove out of their places, and to
" make others from time to time, as he shall think
" fit for that purpose. And his deputies, co-
" lonels, and captains, and other officers, shall have
" further power and authority to lead, conduct, and
" employ, the persons aforesaid, arrayed and wea-
" poned, as well within the county of as
" within any other part of this realm of England, or
" dominion of Wales, for the suppressing [d] of all re-
" bellions, insurrections, and invasions, that may hap-
" pen, according as they, from time to time, shall re-
" ceive directions by his majesty's authority, signified
" unto them by the lords and commons, assembled
" in parliament. And it is further ordained, that
" such [e] as shall not obey in any of the premises,
" shall answer their neglect and contempt to the
" lords and commons, in a parliamentary way, and
" not otherwise, nor elsewhere: and that every the
" powers, granted as aforesaid, shall continue, until
" it shall be otherwise ordered, or declared by both
" houses of parliament, and no longer. This
" to go also to the dominion of Wales."

A second act of the same day, and the only way they took to return their thanks and acknowledgment to the queen for her intercession, and mediation in the passing those bills, was the opening a letter they intercepted, which was directed to her majesty. [f] The lord Digby, after their majesties going to Windsor, when he found in what umbrage he stood with the powerful and prevailing party, and

[d] suppressing] suppression
[e] such] such persons
[f] to her majesty.] to her majesty herself.

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that they were able to improve his going through a town in a coach and six horses to a warlike appearance, and so to expose him to the fury of the people, at least to the power of the counties, to be suppressed, as they had done by their order, or proclamation of the twelfth of January, before remembered, and appointed to be read in all market towns throughout England; concluded for his own security, and to free the king's councils from the imputation of his evil influence, to remove himself into some parts beyond the seas: and so, by [g] the king's leave, and by his licence, was transported into Holland, from whence he writ some letters to his friends at London, to give them an account where he was, and for supplying himself with such [h] accommodations as he stood in need of. Amongst these letters there was one to his brother-in-law, [i] sir Lewis Dives, which, by the treachery of that person, to whose care it was intrusted for conveyance, was brought to the house of commons: and it being averred, "that it came from "the lord Digby," whom they looked upon as a fugitive, they made no scruple of opening it; and finding another in it directed to the queen, after a very little pause they did the like; for which they made no other excuse (when upon a message from the king they sent her the transcript, for the original they still kept) than, "that having opened the other let- "ters, and finding in them sundry expressions full "of asperity, and malignity to the parliament, they "thought it very probable, that the like might be "contained in that to her majesty; and that it "would have been dishonourable to her majesty,

[g] by] with [h] such] those [i] brother-in-law,] brother,

" and dangerous to the kingdom, if it should not " have been opened: and they besought the king to " persuade her majesty, that she would not vouch- " safe any countenance to, or correspondence with, " the lord Digby, or any other of the fugitives or " traitors, whose offences were [k] under the examina- " tion and judgment of parliament."

In that letter to the queen were these words: " If " the king betake himself to a safe place, where he " may avow and protect his servants, (from rage I " mean and violence; for from justice I will never " implore it,) I shall then live in impatience, and in " misery, till I wait upon you. But if, after all he " hath done of late, he shall betake himself to the " easiest and compliantest ways of accommodation, " I am confident, that then I shall serve him more " by my absence, than by all my industry." And in that to sir Lewis Dives were these words: " God " knows, I have not a thought to make me blush to- " wards my country, much less criminal; but where " traitors have so great a sway, the honestest thoughts " may prove most treasonable." Which gave those, that thought themselves concerned, so great offence, that, within two days after, they accused him of high treason; and finding no words in the letter [l] would amount to that offence, they accused him of levying war against the king; which could have relation to no act of his, but what was before mentioned at Kingston upon Thames, when, to the terror of the king's subjects, he was seen there in a coach with six horses. Though this extravagancy of theirs seems to be directed against a particular person, I could

[k] were] depended [l] letter] letters

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not omit it in this place, being accompanied with those circumstances. And it may be, posterity may look upon the severe prosecution [m] of a young nobleman [n] of admirable parts, and eminent hopes, in so implacable a manner, as a most pertinent instance of the tyranny and injustice of that time, not possible to end, but in so much wickedness as hath since been practised. [o]

The attorney general is impeached by the commons.

A third act of that day was the carrying up an impeachment to the lords against the king's attorney general, "for maliciously advising and contriving the "articles upon which the lord Kimbolton, Mr. Hol- "lis, Mr. Pym, Mr. Hambden, Mr. Strode, and sir "Arthur Haslerig, had been accused by his majesty "of high treason;" it being not thought security and reparation enough, that the king had waved any further proceeding against them, except they left such a monument of their power, that, upon what occasion or provocation soever, no man should presume to obey the king in the like command: so that the same fourteenth of February, that was celebrated for the king's condescension to that act for putting [p] the bishops out of the house of peers, is famous likewise for those three unparalleled acts of contempt upon the sovereign power; the demand of the sole power over all the militia of the kingdom; the opening letters directed to the sacred person of the queen; and the impeaching the attorney general, for performing what he took to be [q] the duty of his place, by his master's command. All which were very ill in-

[m] prosecution] persecution
[n] nobleman] man
[o] as hath since been practised.] as it hath since practised.
[p] putting] the putting
[q] what he took to be] *Not in MS.*

stances of that application and compliance his majesty had reason to expect, and some men had promised him he should receive.

The king's answer concerning the militia.

Though the king was resolved in no degree to consent to the proposition for the militia, yet he thought not the time seasonable for his positive denial, the queen retaining still her fears of being stopped in her journey. Therefore, for the present, he returned answer, "that his dearest consort the "queen, and his dear daughter the princess Mary, "being then upon their departure for Holland, he "could not have so good time to consider of a par-"ticular answer for a matter of so great weight, "as that was; and[r] therefore he would respite the "same till his return:" the king intending to accompany the queen to Dover, and, as soon as she was embarked, to return. They received this answer with their usual impatience, and the next day sent messengers to him, with that which they called an humble petition; in which they told him, "that "they had, with a great deal of grief, received his "answer to their just and necessary petition con-"cerning the militia of the kingdom; which, by a "gracious message formerly sent unto them, he had "been pleased to promise should be put into such "hands, as his parliament should approve of, the "extent of their power, and the time of their conti-"nuance, being likewise declared; the which being "now done, and the persons nominated, his majesty "nevertheless reserved his resolution to a longer and "a very uncertain time; which, they said, was as "unsatisfactory and destructive as an absolute de-

Their reply.

[r] and] *Not in MS.*

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" nial. Therefore they once again besought him to " take their desire into his royal thoughts, and to " give them such an answer, as might raise in them " a confidence, that they should not be exposed to " the practices of those who thirst after the ruin of " this kingdom, and the kindling of that combustion " in England, which they had in so great a measure " effected in Ireland; from whence, as they were " informed, they intended to invade this kingdom, " with the assistance of the papists here. They said, " nothing could prevent those evils, nor enable them " to suppress the rebellion in Ireland, and secure " themselves, but the instant granting of that their " petition; which, they hoped, his majesty would " not deny to those, who must, in the discharge of " their duty to his majesty and the commonwealth, " represent unto him, what they found so absolutely " necessary for the preservation of both; which the " laws of God and man enjoined them to see put in " execution, as several counties by their daily peti- " tions desired them to do, and in some places be- " gun[s] already to do it of themselves." Notwithstanding all that importunity, the king made no other answer than formerly he had done, " that he " would give a full answer at his return from Dover."

In the mean time, the house of commons, to whom every day petitions are directed by the several counties of England, professing all allegiance to them, govern absolutely, the lords concurring, or rather submitting, to whatsoever is proposed; insomuch as when they had bailed the twelve bishops, who were in the Tower for the treason of their protestation,

The lords bail the twelve bishops in the Tower,

[s] begun] began

which they did the next day after the bill was passed for taking away their votes, the house of commons in great indignation expostulated with them, and caused them immediately again to be recommitted to the Tower. So they gave their private intimations to their correspondents in the counties, that they should make small entries upon the militia; which was done in many places, the people choosing their officers, and listing themselves, and so training and exercising under the names of volunteers; whereby they had opportunity to unite themselves, to know their confederates, observe those who were of other opinions, and to provide arms and ammunition against they should have occasion. The Tower of London was at their devotion, and Hull was their own; the mayor of that place having been lately sent for and reprehended, for having said, "that they "ought not to have soldiers billeted upon them by "the petition of right, and for refusing to submit "that town, which was his charge, to the govern- "ment of Mr. Hotham;" and after a tedious and chargeable attendance, without being brought to a public hearing, he was persuaded to submit; and so was discharged.

and the commons recommit them.

Divers counties enter upon exercising the power of the militia.

Then they fell to raising of money [t] under pretence of the relief of Ireland, and, for that purpose, prepared "an act [u] for the payment of four hundred "thousand pounds to such persons as were nomi- "nated by themselves, and to be disbursed and is- "sued in such manner, and to such uses, as the two "houses should direct," which the king confirmed accordingly; whereby they had a stock of credit to

Money raised under pretence of relieving Ireland.

[t] money] monies

[u] an act] one act

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raise monies, whensoever they found themselves put to it: and this could not be prevented; for the king having committed the carrying on the war of Ireland to them, and they being engaged both for the payment of the arrears to the officers of the northern army disbanded the summer before, and of the three hundred thousand pounds to the Scots, his majesty was necessitated to pass the act with such general clauses, that it might be in their power to divert the money to other uses than those to which it was given; as it afterwards fell out.

The queen shipped for Holland, the king returns to Greenwich, where the prince meets him.

The queen being shipped for Holland, his majesty returned to Greenwich, whither he had sent to the marquis of Hertford to bring the prince of Wales from Hampton-court to meet him; of which as soon as the houses were advertised, they sent a message to the king, who was upon his way from Dover, to desire him, "that the prince might not be removed "from Hampton-court, for that they conceived his "removal at that time might be a cause to promote "jealousies and fears in the hearts of his good sub-"jects, which they thought necessary to avoid;" and, at the same time, sent an express order to the marquis of Hertford, "to require him not to suffer the "prince to go to Greenwich:" but his lordship, choosing rather to obey the king's commands than theirs, carried his highness to his father; of which the houses no sooner were informed, than they sent some members of both houses to Greenwich, "to "bring the prince from thence to London." But when they came thither, they found the king, whom they did not expect there; and so made no attempt to perform that command. The reason of this extravagancy (besides their natural humour to

affront the king, and this seeming care of the prince was a popular thing) was pretended to be an information they had received from a member of the house. BOOK IV. 1642.

There was one Griffith, a young Welshman, of no parts or reputation, but for eminent licence; this youth had long, with great boldness, followed the court, and pretended to preferment there; and so in the house had always opposed, as far as not consenting, all the undutiful acts towards the king, and, upon this stock of merit, had pressed more confidently for a reward; and, when the queen was ready to take shipping at Dover for Holland, he barefaced importuned her to mediate to the king, "that he "might be forthwith admitted of the prince's bed-"chamber:" the which her majesty refusing, he told[x] his companions, "that since he could not render him-"self considerable by doing the king service, he "would be considerable by doing him disservice:" and so made great haste to London, and openly in the house told them, (the same day that the prince was to go to Greenwich,) "that if they were not ex-"actly careful, they would speedily lose the prince; "for, to his knowledge, there was a design and re-"solution immediately to carry him into France." From which senseless and groundless information, he was taken into their favour; and, his malice supplying the defect of other parts, was thenceforth taken into trust, and used as their *Bravo* to justify all their excesses in taverns and ordinaries. And I saw Mr. Hambden, shortly after this discovery, take him in his arms, telling him, "his soul rejoiced to

[x] told] forthwith told

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" see, that God had put it into [y] his heart to take the " right way."

To their message the king sent them word, " That to their fears and jealousies he knew not " what answer to give, not being able to imagine " from what grounds they proceeded; but if any " information had been given to them to cause " those apprehensions, he much desired the same " might be examined to the bottom; and then he " hoped that their fears and jealousies would be " hereafter continued only with reference to his ma- " jesty's rights and honour."

The king's further answer concerning the militia.

The queen being gone, and the prince come to his father at Greenwich, the king sent an answer to the two houses concerning the militia; " that hav- " ing, with his best care and understanding, perused " and considered that, which had been sent him " from both houses, for the ordering the militia to " be made an ordinance of parliament by the giving " his [z] royal assent, as he could by no means do it " for many reasons, so he did not conceive himself " obliged to it [a] by any promise made to them in " his answer to their former petition. He said, he " found great cause to except against the preface, " or introduction to that order; which confessed a " most dangerous and desperate design upon the " house of commons of late, supposed to be an effect " of the bloody counsels of papists, and other ill-af- " fected persons, by which many might understand " (looking upon other printed papers to that pur- " pose) his own coming in person to the house of " commons on the fourth of January, which begot

[y] into] in [z] his] of his [a] to it] *Not in MS.*

" so unhappy a misunderstanding between him and " his people. And for that, though he believed it, " upon the information since given him, to be a " breach of their privileges, and had offered, and " was ready, to repair the same for the future, by " any act should be desired from his majesty; yet " he must declare, and require to be believed, that " he had no other design upon that house, or any " member of it, than to require, as he did, the " persons of those five gentlemen he had before " accused of high treason, and to declare that he " meant to proceed against them legally and speed- " ily; upon which he believed that house would " have delivered them up.

" He[b] called the almighty God to witness, that " he was so far from any intention, or thought, of " force or violence, although that house had not de- " livered them according to his demand, or in any " case whatsoever, that he gave those his servants, " and others, who then waited on his majesty, ex- " press charge and command, that they should give " no offence unto any man; nay, if they received " any provocation or injury, that they should bear " it without return; and he neither saw nor knew,[c] " that any person of his train had any other wea- " pons, but his pensioners and guard, those with " which they usually attend his person to parlia- " ment; and the other gentlemen, swords. And " therefore he doubted not, but the parliament would " be regardful of his honour therein, that he should " not undergo any imputation by the rash and in- " discreet expressions of any young men then in his

[b] He] And he

[c] nor knew,] or knew,

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"train, or by any desperate words uttered by others, "who might mingle with them without his consent or approbation.

"For the persons nominated to be the lieutenants of the several counties of England and "Wales, he said, he was contented to allow that "recommendation; only concerning the city of London, and such other corporations as by ancient "charters had granted to them the power of the "militia, he did not conceive that it could stand "with justice or policy to alter their government in "that particular. And he was willing forthwith to "grant to every one of them, that of London and "other[d] corporations excepted, such commissions, "as he had granted this parliament to some lords "lieutenants by their advice. But if that power "were not thought enough, but that more should "be thought fit to be granted to those persons "named, than, by the law, is in the crown itself, he "said, he thought it reasonable that the same "should be by some law first vested in him, with "power to transfer it to those persons; which he "would willingly do: and whatever that power "should be, to avoid all future doubts and questions, he desired it might be digested into an act "of parliament, rather than an ordinance; so that "all his subjects might thereby particularly know, "both what they were to do, and what they were "to suffer for their neglect; that so there might be "the least latitude for them to suffer under any arbitrary power whatsoever.

"To the time desired for the continuance of the

[d] other] those other

" powers to be granted, he said, he could not con-
" sent to divest himself of the just power, which
" God, and the laws of the kingdom, had placed in
" him for the defence of his people, and to put it
" into the hands of others for any indefinite time.
" And since the ground of their request to him was
" to secure their present fears and jealousies, that
" they might with safety apply themselves to his
" message of the twentieth of January, he hoped
" that his grace to them since that time, in yielding
" to so many of their desires, and in agreeing to the
" persons now recommended to him, and the power
" before expressed to be placed in them, would
" wholly dispel those fears and jealousies: and he
" assured them, that as he had applied[e] this un-
" usual remedy to their doubts; so, if there should
" be cause, he would continue the same to such
" time, as should be agreeable to the same care he
" now expressed towards them.

" He said, he was so far from receding from any
" thing he had promised, or intended to grant in
" his former answer, that he had hereby consented
" to all that had been then asked of him by that
" petition, concerning the militia of the kingdom,
" except that of London, and the other corpora-
" tions; which was, to put the same into the hands
" of such persons, as should be recommended to
" him by both houses of parliament. And he doubted
" not but they, upon well weighing the particulars
" of that his answer, would find the same more sa-
" tisfactory to their ends, and the peace and welfare
" of all his good-subjects, than the way proposed by

[e] applied] now applied

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" that intended ordinance; to which, for those rea-
" sons, he could not consent.

" And whereas he observed by their late peti-
" tion,[f] that in some places, some persons begun al-
" ready to intermeddle of themselves with the mi-
" litia, he said, he expected his parliament should
" examine the particulars thereof, it being a matter
" of high concernment, and very great consequence.
" And he required, that if it should appear to them,
" that any person whatsoever had presumed to com-
" mand the militia without lawful authority, they
" might be proceeded against according to law."

Votes of both houses upon it.

It seems this was not the answer they promised themselves; for, at the publishing it, they were marvellously transported, and immediately voted, both houses concurring in it, " That those, who[g] advised
" his majesty to give that answer, were enemies to
" the state, and mischievous projectors against the
" defence of the kingdom: that that denial was of
" that dangerous consequence, that if his majesty
" should persist in it, it would hazard the peace and
" safety of all his kingdoms, unless some speedy
" remedy were applied by the wisdom and authority
" of both houses of parliament: and that such parts
" of the kingdom, as had already put themselves
" into a posture of defence against the common
" danger, had done nothing but what was justifiable,
" and was approved by both houses." And having caused these, and such other resolutions to be immediately published in print, that their friends abroad might know what they had to do, they sent a committee of both houses to the king at Theo-

[f] their late petition,] their last petition,

[g] who] that

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A petition of both houses to the king at Theobalds.

balds with another petition; in which they told him, "that their just apprehensions of sorrow and "fear, in respect of the public dangers and miseries "like to fall upon his majesty and the kingdom, "were much increased upon the receipt of his un- "expected denial of their most humble and neces- "sary petition concerning the militia of the king- "dom; and that they were especially grieved, that "wicked and mischievous counsellors should still "have that power with him, as in that time of ap- "proaching and imminent[h] ruin, he should rather "incline to that, which was apt to further the ac- "complishment of the desires of the most malig- "nant enemies of God's true religion, and of the "peace and safety of himself, and his kingdom, "than to the dutiful and faithful counsel of his par- "liament. Wherefore, they said, they were enforced "in all humility to protest, that, if his majesty "should persist in that denial, the dangers and dis- "tempers of the kingdom were such, as would en- "dure no longer delay: but unless he should be "graciously pleased to assure them by those mes- "sengers, that he would speedily apply his royal "assent to the satisfaction of their former desires, "they should be enforced, for the safety of his ma- "jesty and his kingdoms, to dispose of the militia "by the authority of both houses, in such a manner "as had been propounded to him; and they re- "solved to do it accordingly.

"They likewise most humbly besought his ma- "jesty to believe, that the dangerous and desperate "design upon the house of commons, mentioned in

[h] approaching and imminent] imminent and approaching

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" their preamble, was not inserted with any intention to cast the least aspersion upon his majesty; " but therein they reflected upon that malignant " party, of whose bloody and malicious practices " they had so often experience, and from which " they could never be secure, unless his majesty " would be pleased to put from him those wicked " and unfaithful counsellors, who interposed their " own corrupt and malicious designs betwixt his " majesty's goodness and wisdom, and the prosperity " and contentment of himself, and of his people: " and that for the despatch of the great affairs of " the kingdom, the safety of his person, the protection and comfort of his subjects, he would be " pleased to continue his abode near to London, and " the parliament; and not to withdraw himself to " any the remoter parts, which if he should do, " must needs be a cause of great danger and distraction.

" That he would likewise be graciously pleased " to continue the prince's highness in those parts at " St. James's, or any other of his houses near London; whereby the designs, which the enemies of " the religion, and peace of the kingdom, might " have upon his person, and the jealousies and fears " of his people might be prevented.

" And they besought him to be informed by " them, that, by the laws of the kingdom, the power " of raising, ordering, and disposing of the militia " within any city, town, or other place, could not " be granted to any corporation by charter, or otherwise, without the authority and consent of parliament: and that those parts of the kingdom, which " had put themselves in a posture of defence against

" the common danger, had therein done nothing but
" according to the declaration and direction of both
" houses, and what was justifiable by the laws of
" the kingdom. All which their most humble coun-
" sel and desires they prayed him to accept, as the
" effect of that duty and allegiance, which they
" owed unto him, and which would not suffer them
" to admit of any thoughts, intentions, or endea-
" vours, but such as were necessary and advantage-
" ous for his greatness and honour, and the safety
" and prosperity of the kingdom, according to that
" trust and power, which the laws had reposed in
" them."

The king's present answer.

As soon as the petition was read, the king told them that presented it, " That he was so much
" amazed at their message, that he knew not what
" to answer. He said, they spoke[i] of jealousies
" and fears; but he desired them to lay their hands
" to their hearts, and ask themselves, whether he
" might not likewise be disturbed with fears and
" jealousies? and if so, he assured them, that mes-
" sage had nothing lessened them.

" For the militia, he said, he had thought so
" much of it before he sent his answer, and was so
" well assured that the answer was agreeable to
" what, in justice or reason, they could ask, or he
" in honour grant, that he should not alter it in any
" point.

" For his residence near them, he said, he wished
" it might be so safe and honourable, that he had
" no cause to absent himself from Whitehall: he
" bid them ask themselves, whether he had not?

[i] spoke] spake

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" For his son, he said, he should take that care of " him, which should justify him to God, as a father; " and to his dominions, as a king. To conclude, he " assured them upon his honour, that he had no " thought but of peace, and justice to his people; " which he would by all fair means seek to preserve " and maintain, relying upon the goodness and pro- " vidence of God for the preservation of himself, " and his rights."

This, being suddenly, and with more than usual quickness, spoken by the king, much appalled them; but they were too far engaged to retire; and therefore, as soon as it was reported to the houses, they resolved, upon debate, " that the kingdom should be " forthwith put into a posture of defence, by au- " thority of both houses, in such a way as had been " formerly agreed upon by both houses; and that a " declaration should be speedily sent unto the king, " containing the causes of their just fears and jea- " lousies, and to make it evident that any that were " entertained against them were groundless;" ordering at the same time, " that all the lords lieute- " nants of any counties in England, who had been " formerly so constituted by the king by his com- " missions under the great seal of England, should " immediately bring in those commissions to be can- " celled as illegal:" albeit some such commissions had been granted, upon their own desire, since the beginning of the parliament, as particularly to the earl of Essex to be lord lieutenant of Yorkshire, and to the earl of Salisbury for Dorsetshire.

The resolution of both houses upon it.

Then both houses sent to the earl of Northumberland, being high admiral of England, " that they " had received advertisement of extraordinary pre-

They send to the earl of Northumberland to provide a fleet.

" parations made, by the neighbouring princes, both " by land and sea; by which an apprehension was " raised in both houses, that the public honour, " peace, and safety of his majesty, and his kingdom, " could not be secured, unless a timely course was " taken[k] for the putting the kingdom into a condi- " tion of defence at sea, as well as at land: and " they did therefore order him forthwith to give ef- " fectual direction, that all the ships belonging to " his majesty's navy, and fit for service, and not al- " ready abroad, or[l] designed for the summer's fleet, " should be rigged, and put in such a readiness, as " that they might be soon fitted for the sea: and " that his lordship would also make known to the " masters and owners of other ships, in any of the " harbours of the kingdom, as[m] might be of use for " the public defence, that it would be an acceptable " service to the king and parliament, if they would " likewise cause their ships to be rigged, and so far " put into a readiness, as they might, at a short " warning, likewise be set to sea upon any emer- " gent occasion; which would be a means of great " security to his majesty and his dominions." To which the earl returned an answer full of submission and obedience.

I have been assured from persons of very good credit, and conversant with those councils, that they had in[n] deliberation and debate to send, and take the prince from his father at Theobalds by force: but that design was quickly laid aside, when they heard that the king was removed from thence to Newmarket, and was like to make a further pro-

[k] was taken] were taken
[l] or] nor
[m] as] and
[n] had in] had it in

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Their declaration to his majesty.

gress. So they used all possible expedition in preparing their declaration; which they directed to his majesty, and in which they told him, "that al- "though that answer, he had given to their petition "at Theobalds, did give just cause of sorrow to "them; yet it was not without some mixture of "confidence and hope, considering those expressions "proceeded from the misapprehensions of their ac- "tions and intentions; which, having no ground of "truth or reality, might, by his justice and wisdom, "be removed, when he should be fully informed, "that those fears and jealousies of theirs, which his "majesty thought to be causeless, and without any "just ground, did necessarily and clearly arise from "those dangers and distempers, into which the mis- "chievous and evil councils about him had brought "the kingdom. And that those other fears and "jealousies, by which his favour, his royal presence, "and confidence, had been withdrawn from his par- "liament, had no foundation, or subsistence in any "action, intention, or miscarriage of theirs; but "were merely grounded upon the falsehood and "malice of those who, for the supporting and fo- "menting their own wicked designs against the re- "ligion and peace of the kingdom, did seek to de- "prive his majesty of the strength and the affection "of his people; and them of his grace and protec- "tion; and thereby to subject both his person, and "the whole kingdom, to ruin and destruction.

"That, to satisfy his majesty's judgment and con- "science in both those points, they desired to make "a free and clear declaration of the causes of their "fears and jealousies, in some particulars.

1. "That the design of altering religion, in this

" and his other kingdoms, had been potently carried " on, by those in greatest authority about him, for " divers years together: and that the queen's agent " at Rome, and the pope's agent, or nuncio, here, " were not only evidences of that design, but had " been great actors in it.

2. " That the war with Scotland was procured to " make way for that intent, and chiefly fomented[o] " by the papists, and others popishly affected, where- " of they had many evidences, especially their free " and general contribution to it.

3. " That the rebellion in Ireland was framed and " contrived here in England; and that the English " papists should have risen about the same time, " they had several testimonies and advertisements " from Ireland: and that it was a common speech " amongst the rebels, (with which, they said, other " evidences did concur, as the information of a mi- " nister who came out of Ireland; the letter of one " Tristram Whetcomb in Ireland to his brother in " England, and many others,) that they would re- " cover unto his majesty his royal prerogative, wrest- " ed from him by the puritan faction in the houses of " parliament in England; and would maintain episco- " pal jurisdiction, and the lawfulness thereof; which, " they said, were the two quarrels, upon which his " late army in the north should have been incensed " against them.

4. " The cause they had to doubt that the late " design, styled the queen's pious intention, was for " the alteration of religion in this kingdom, for suc- " cess whereof the pope's nuncio (the count Rozetti)

[o] fomented] invited and fomented

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" enjoined fasting and praying to be observed every " week by the English papists; which, they said, ap- " peared to them by one of the original letters di- " rected by him to a priest in Lancashire.

5. " The boldness of the Irish rebels in affirming " they do nothing but by authority from the king; " that they call themselves the queen's army; that " the prey and booty they take from the English, " they mark with the queen's mark; that their pur- " pose was to come into England, when their busi- " ness was done in Ireland; and sundry other things " of that kind, which, they said, were proved by one " Oconelly, and others; but especially in the fore- " mentioned letter from Tristram Whetcomb, where- " in there was this passage, that many other speeches " they utter, concerning religion, and our court of " England, which he dares not commit to paper.

6. " The many attempts to provoke his late army, " and the army of the Scots, and to raise a faction " in the city of London, and other parts of the king- " dom. That those, who had been actors in these bu- " sinesses, had their dependence, their countenance, " and encouragement, from the court; witness the " treason, whereof Mr. Jermyn, and others, stood ac- " cused; who, they said, was transported beyond seas " by warrant under his majesty's own hand, after he " had given assurance to his parliament, that he had " laid a strict command upon his servants, that none " of them should depart from court. And that dan- " gerous petition delivered to captain Leg by his " majesty's own hand, accompanied with a direction " signed with *C. R.*

7. " The false and scandalous accusation against " the lord Kimbolton, and the five members of the

" house of commons, tendered to the parliament by " his own command, and endeavoured to be justified " in the city by his own presence and persuasion, " and to be put in execution upon their persons by " his demand of them in the house of commons, in " so terrible and violent a manner, as far exceeded " all former breaches of privileges of parliament " acted by his majesty, or any of his predecessors: " and they said, whatever his own intentions were, " divers bloody and desperate persons, that attended " him, discovered their affections, and resolutions, " to have massacred and destroyed the members of " that house, if the absence of those persons accused " had not, by God's providence, stopped the giving " that *word*, which they expected for the setting " them upon that barbarous and bloody act: the list- " ing of officers and soldiers, for a guard at White- " hall, and such other particulars.

8. " That, after a vote had passed in the house of " commons, declaring that the lord Digby had ap- " peared in a warlike manner at Kingston upon " Thames, to the terror and affright of his majesty's " good subjects, and disturbance of the public peace " of the kingdom, he should nevertheless be in that[p] " credit with his majesty, as to be sent away by his " majesty's own warrant to sir J. Pennington to land " him beyond seas: from whence he vented his own " traitorous conceptions, that his majesty should de- " clare himself, and retire to a place of strength; as " if he could not be safe amongst his people. Which " false and malicious counsel and advice, they said, " they had great cause to doubt, made too deep an

[p] in that] of that

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" impression upon [q] his majesty, considering the " course he was pleased to take of absenting himself " from his parliament, and carrying the prince with " him; which seemed to express a purpose in his " majesty to keep himself in a readiness for the act- " ing of it.

9. " The many advertisements they had from " Rome, Paris, Venice, and other parts, that they " still expected that his majesty had some great de- " sign in hand, for the altering of religion, and [r] the " breaking the neck of his parliament. That the " pope's nuncio had solicited the kings of France " and Spain to lend his majesty four thousand men " apiece, to help to maintain his royalty against the " parliament. And they said, as that foreign force " was the most pernicious and malignant design of " all the rest; so they hoped it was, and should al- " ways be, farthest from his majesty's thoughts; be- " cause no man would believe [s] he would give up " his people and kingdom to be spoiled by strangers, " if he did not likewise intend to change both his " own profession in religion, and the public profes- " sion of the kingdom, that so he might be still more " assured of those foreign states of the popish reli- " gion for their future support and defence.

" These, they said, were some of the grounds of " their fears and jealousies, which had made them " so earnestly implore his royal authority, and pro- " tection, for their defence and security, in all the " ways of humility and submission; which being de- " nied by his majesty, seduced by evil counsel, they

[q] upon] in
[r] and] *Not in MS.*
[s] would believe] could believe

" did, with sorrow for the great and unavoidable
" misery and danger, which was thereby[t] like to fall
" upon his own person, and his kingdoms, apply 1642.
" themselves to the use of that power for the secu-
" rity and defence of both, which, by the funda-
" mental laws and constitutions of the kingdom, re-
" sided in them; yet still resolving to keep them-
" selves within the bounds of faithfulness and allegi-
" ance to his sacred person, and crown.[u]

" To the fears and jealousies expressed by his ma-
" jesty, when he said, that for his residence near the
" parliament, he wished it might be so safe and ho-
" nourable, that he had no cause to absent himself
" from Whitehall: that, they said, they took as the
" greatest breach of privilege, that could be offered;
" as the heaviest misery to himself, and imputation
" upon them, that could be imagined, and the most
" mischievous effect of evil counsels; it rooted up
" the strongest foundation of the safety and honour
" the crown afforded; it seemed as much as might
" be, they said, to cast upon the parliament such a
" charge, as was inconsistent with the nature of that
" great council, being the body, of which his ma-
" jesty was the head; it struck at the very being
" both of the[x] king and parliament, depriving his
" majesty, in his own apprehension, of their fidelity,
" and them of his protection; which are the natural
" bonds[y] and supports of government and subjec-
" tion.

" They said, they had, according to his majesty's
" desire, laid their hands upon their hearts; they

[t] was thereby] thereby was
[u] crown.] his crown.
[x] the] *Not in MS.*
[y] bonds] bands

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" had asked themselves in the strictest examination " of their consciences; they had searched their af- " fections, their thoughts, considered their actions; " and they found none, that could give his majesty " any just occasion to absent himself from White- " hall, and his parliament; but that he might, with " more honour and safety, continue there, than in " any other place. They said, his majesty laid a " general tax upon them: if he would be graciously " pleased to let them know the particulars, they " should give a clear and satisfactory answer. But, " they said, they could have no hope of ever giving " his majesty satisfaction, when those particulars, " which he had been made believe were true, yet, " being produced, and made known to them, ap- " peared to be false; and his majesty notwithstand- " ing would neither punish nor produce the authors, " but go on to contract new fears and jealousies, " upon general and uncertain grounds; affording " them no means or possibility of particular answer " to the clearing of themselves, of which they gave " him these instances. 1. The speeches pretended " to be spoken at Kensington concerning the queen, " which had been denied and disavowed; yet his " majesty had not named the authors. 2. The charge " and accusation of the lord Kimbolton, and the " five members, who refused no trial or examination, " which might stand with the privileges of parlia- " ment; yet no authors, no witnesses, were pro- " duced, against whom they might have reparation " for the great injury, and infamy cast upon them.

" They besought his majesty to consider in what " state he was, how easy and fair a way he had to " happiness, honour, greatness, and plenty, and se-

" curity, if he would join with his parliament, and " his faithful subjects, in the defence of the religion, " and the public good of the kingdom. That, they " said, was all they expected from him, and for that " they would return to him their lives, fortunes, and " utmost[z] endeavours to support his majesty, his " just sovereignty, and power over them. But, they " said, it was not words that could secure them in " those their humble desires; they could not but too " well and sorrowfully remember, what gracious mes- " sages they had from him the last summer; when, " with his privity, the bringing up of[a] the army " was in agitation: they could not but with the like " affections recall to their minds, how, not two days " before he gave direction for the aforementioned " accusation, and his own coming to the commons' " house, that house received from him a gracious " message, that he would always have care of their " privileges, as of his own prerogative; and of the " safety of their persons, as of his own children.

" They said, that which they expected, and which " would give them assurance that he had no thought " but of peace, and justice to his people, must be " some real effect of his goodness to them, in grant- " ing those things, which the present necessity of the " kingdom did enforce them to desire. And in the " first place, that he would be graciously pleased to " put from him those wicked and mischievous coun- " sellors, which had caused all those dangers and " distractions; and to continue his own residence, " and the prince's, near London, and the parlia- " ment; which, they hoped, would be a happy be-

[z] utmost] uttermost

[a] of] *Not in MS.*

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"ginning of contentment, and confidence between "him and his people; and be followed with many "succeeding blessings of honour and greatness to his "majesty, and of security and prosperity to them."

In the debate of this declaration, the like whereof had never before been heard of in parliament, in which they took his majesty's doubt of his safety at Whitehall so heavily, that, they said, "it seemed to "cast such a charge upon the parliament, as was in-"consistent with the nature of that great council," (so apprehensive they were of the least suspicion of want of freedom,) the prevalent party carried themselves with that pride and impetuosity, that they would endure no opposition or dispute; insomuch as sir Ralph Hopton, (who indeed was very grievous to them for not complying with them,) for objecting against some sharp expressions in the declaration, (before it passed the house, and when the question was, whether it should pass,) as being too distant from that reverence, which ought to be used to the king; and for[b] saying, upon a clause, in which they mentioned their general intelligence from Rome, Venice, Paris, and other places, of some design the king had upon religion, and the parliament, from whence they seemed to conclude that the king would change his religion, "that they seemed to ground an "opinion of the king's apostasy upon a less evidence, "than would serve to hang a fellow for stealing a "horse," was committed to the Tower of London, "for laying an imputation upon that committee, "which had drawn up the declaration." Notwithstanding which, after they had imprisoned him, they

[b] for] *Not in MS.*

thought fit to make that expression less gross and positive; though, as it is set down above, (in which words it passed, and was delivered to the king,) it was thought by standers-by to be very unagreeable to the gravity of a wise court, and to the duty of subjects.

But in this particular, in oppressing all those who were of different opinions from them, their carriage was so notorious and terrible, that spies were set upon, and inquiries made upon all private, light, casual discourses, which fell from those who were not gracious to them: as Mr. Trelawny,[c] a member of the house of commons, and a merchant of great reputation, was expelled the house, and committed to prison, for having said, in a private discourse in the city, to a friend, "that the house could not ap- "point a guard for themselves without the king's "consent, under pain of high treason:" which was proved by a fellow, who pretended to overhear him; when the person himself, with whom the conference was held, declared, "that he said, it might be im- "puted to them for high treason:[d]" and it was confessed on all parts, that the words were spoken long before the discovery, and some days before the house had resolved, "that they would have a guard." And afterwards, upon the old stock of their dislike, when the war begun[e] to break out, they again imprisoned this honest[f] gentleman; seized upon all his estate, which was very good; and suffered him to die in prison for want of ordinary relief and refreshment.

And in this very time we speak of, and in the

[c] as Mr. Trelawny,] as one Mr. Trelawny,

[d] high treason:] treason:

[e] begun] began

[f] honest] poor

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very business of the militia, when every day very great multitudes of petitions[g] from most of the counties of England, and from the city of London, were presented to both houses, to desire they might be[h] put into a posture of defence; and that they would cause the ordinance for the militia to be speedily executed, which was alleged to be an instance of the people's desire throughout the kingdom, and the chief ground of their proceeding; the most substantial citizens of London, both in reputation and estate, finding that the militia of that city, with which by their charter, and constant practice, the lord mayor had been always intrusted, was now with a most extravagant power to be committed to a number of factious persons of the city, part[i] of whom consisted of men of no fortune, or reputation, resolved to petition both houses "not to alter the[k] original constitution and right of their city:" and, to that purpose, a petition was signed by some hundreds, and very probably would in few days have been subscribed by all, or most of the substantial citizens of London. The house had notice of this petition, which they called another conspiracy and plot against the parliament, and immediately employed a member of their own to procure a sight of it; who, under a trust of redelivering it, got it into his hands, and brought it to the house of commons; upon which some principal citizens, who had subscribed it, were examined, and committed to prison; and a direction given, that a charge and impeachment should be prepared against the recorder of London, who, they

[g] multitudes of petitions] multitudes with petitions

[h] they might be] them to be

[i] part] the major part

[k] the] their

heard, had been of council in the drawing up and preparing that petition, and, they knew, was opposite to their tumultuary proceedings. So when the chief gentlemen of Oxfordshire heard, that a petition had been delivered to the house of commons in their name, and the name of that county, against the established government of the church, and for the exercise of the militia, they assembled together to draw up a petition disavowing the former, and to desire, "that the settled laws might be observed;" of which the lord Say having notice, he procured the chief gentlemen to be sent for as delinquents, and so suppressed that address: and this was the measure of their justice in many other particulars of the same nature, receiving and cherishing all mutinous and seditious petitions, and discountenancing such as besought the continuance and vindication of the so long celebrated and happy government in church and state; the prime leaders of that faction not blushing, in public debates in the house, to aver, "that no man[1] ought to petition for the government "established by law, because he had already his "wish; but they that desired an alteration, could "not otherwise have their desires known; and there-"fore were to be countenanced."

They likewise present the king with reasons for his continuance near the parliament.

The committee, which presented the declaration to the king at Newmarket, presented likewise additional reasons, as they called them, for his majesty's return, and continuance near the parliament; as a matter, in their apprehension, of so great necessity and importance towards the preservation of his person, and his kingdom: and they said,

[1] man] men

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" They could not think they discharged their du-
" ties in the single expression of their desire, unless
" they added some further reasons to-back it with.
" 1. His majesty's absence would cause men to be-
" lieve, that it was out of design to discourage the
" undertakers, and hinder the other provisions for
" raising money for defence of Ireland. 2. It would
" very much hearten the rebels there, and disaffected
" persons in this kingdom, as being an evidence, and
" effect of the jealousy and division between his
" majesty and his people. 3. That it would much
" weaken and withdraw the affection of the subject
" from his majesty; without which, a prince is de-
" prived of his chiefest strength and lustre, and left
" naked to the greatest dangers and miseries that
" can be imagined. 4. That it would invite and en-
" courage the enemies of our religion and the state
" in foreign parts, to the attempting, and acting of
" their evil designs and intentions towards us. 5.
" That it did cause a great interruption in the pro-
" ceedings of parliament. Those considerations, they
" said, threatened so great dangers[m] to his person,
" and to all his dominions, that, as his great council,
" they held it necessary to represent to him this[n]
" their faithful advice, that so, whatsoever should
" follow, they might be excused before God and
" man."

Whilst that declaration was reading, his majesty expressed some passion upon particular expressions; and once, when that passage was read, that takes notice " of the transportation of Mr. Jermyn by his " majesty's own warrant, after he had given his

[m] dangers] danger [n] this] that

" word, that he had commanded that none of his " servants should depart from court," interrupted the earl of Holland, who read it, and said, " That's " false;" and when he was told, " it related not to " the date, but the execution of the warrant," his majesty said, " It might have been better expressed " then: it is a high thing to tax a king with breach " of promise." But after both the declaration and reasons were read, the king, after a short pause, said to them,

His majesty's answer to both.

" I am confident that you expect not I should " give you a speedy answer to this strange and un- " expected declaration; and I am sorry, in the dis- " traction of this kingdom, you should think this " way of address to be more convenient, than that " propounded, by my message of the twentieth of " January last, to both houses. As concerning the " grounds of your fears and jealousies, I will take " time to answer them[o] particularly; and doubt not " but I shall do it to the satisfaction of all the world. " God, in his good time, will, I hope, discover the " secrets and bottoms of all plots and treasons; and " then I shall stand right in the eyes of all my peo- " ple. In the mean time I must tell you, that I ra- " ther expected a vindication for the imputation laid " upon[p] me in Mr. Pym's speech, than that any " more general rumours and discourses should get " credit with you. For my fears and doubts, I did " not think they should have been thought so trivial " and groundless, whilst so many seditious pamphlets " and sermons are looked upon, and so great tumults

[o] them] *Not in MS.*

[p] laid upon] laid on

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" remembered,[q] unpunished and[r] uninquired into. I " still confess my fears, and call God to witness, that " they are greater for the true protestant profession, " my people and laws, than for my own rights, or " safety; though I must tell you, I conceive none of " these are free from danger. What would you have? " Have I violated your laws? Have I denied to pass " any one bill for the ease and security of my sub- " jects? I do not ask you what you have done for " me. Are my people transported with fears and " apprehensions? I have offered as free and general " a pardon as yourselves can devise. There is a " judgment from heaven upon this nation, if these " distractions continue. God so deal with me, and " mine, as all my thoughts, and intentions, are up- " right for the maintenance of the true protestant " profession, and for the observation and preserva- " tion of the laws of the land: and I hope God will " bless and assist those laws for my preservation."

This being suddenly, and with some vehemence, spoken by his majesty, and he having taken further time to answer the declaration, and the reasons, the committee besought him, " since they were to carry " back with them no other answer, that his majesty " would vouchsafe to give them what he had spoken " in writing;" which, the next morning, he did: and then the earl of Holland again desired him, " that " he would reside nearer his parliament;" whereunto the king briefly[s] answered, " I would you had given " me cause; but I am sure this declaration is not

[q] remembered,] are remembered,

[r] and] *Not in MS.*

[s] briefly] shortly

"the way to it." Then being asked by the earl of Pembroke, whether the militia might not be granted, as was desired by the parliament, for a time? he answered, "By God, not for an hour. You have asked "that of me in this, was never asked of a king, and "with which I will not trust my wife and children." He told them, "he could not have believed the par- "liament would have sent him such a declaration, "if he had not seen it brought by such persons: and "said he was sorry for the parliament, but glad he "had it; for by that he doubted not to satisfy his "people. He said they spoke[t] of ill councils; but "he was confident they had worse information[u], "than he had councils. He told them, the business "of Ireland would never be done in the way they "were in; four hundred would never do that work; "it must be put into the hands of one: and, he said, "if he were trusted with it, he would pawn his head "to end that work."

As soon as the committee returned, and reported what answer they had received, and in what disposition and temper they found and left the king; it was ordered, that their declaration, which they had sent to him, should be speedily printed, and carefully dispersed throughout the kingdom, that the people might see upon what terms they stood; and all other possible courses were taken to poison the hearts and affections of the subjects, and to suppress all those, who, in any degree, seemed to dislike their high proceedings. Above all, care was taken to place such preachers and lecturers in the most populous towns and parishes, as were well known to abhor

[t] spoke] spake

[u] information,] informations

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the present government, and temperature of church and state; many of whom were recommended, and positively enjoined, and imposed upon parishes, by the house of commons; and others, by such factious members, whose reputation was most current: and all canonical clergymen, and orthodox divines, were, with equal industry, discountenanced, imprisoned, or forced to a long attendance upon committees, or the house, (which was worse than imprisonment,) under the notion and imputation of scandalous ministers. Which charge and reproach reached all men, whose inclinations they liked not, or whose opinions they suspected. And that they might be sure to be as strong and absolute at sea, as at land, they appointed the lord admiral to send the names of all those captains of ships, who were to attend the fleet for that summer service, to them, to the end they might have such men, in whom they might confide; which his lordship most punctually observed. By which they helped to free him of those officers whom he could not plausibly have discharged; and struck out the names of those, whose affections or relations they thought themselves not secure in.

The king's message to both houses in his way to York.

The king thought it now time, according to his former resolution, which he had not communicated to many, to remove to York, which was a place of good reception,[x] and conveniency, for those who were willing to attend him; and, to the end that there might be public notice of it, he sent from Huntington, when he was upon his journey, a message to both houses: "That, being then in his remove to "his city of York, where he intended to make his

[x] good reception,] receipt,

" residence for some time, he thought fit to send " that message to them, and very earnestly to desire " them, that they would use all possible industry in " expediting the business of Ireland; in which they " should find so cheerful a concurrence from his ma- " jesty, that no inconvenience should happen to that " service by his absence, he having all that passion " for the reducing that kingdom, which he had ex- " pressed in his former messages, and being, by " words, unable to manifest more affection to it, " than he had endeavoured to do by those messages: " having likewise done all such acts, as he had been " moved unto by his parliament. Therefore, if the " misfortunes and calamities of his poor protestant " subjects there should grow upon them, (though he " should be deeply concerned in, and sensible of their " sufferings,) he said, he should wash his hands be- " fore all the world from the least imputation of " slackness in that most necessary and pious work.

" And, that he might leave no way unattempted, " which might beget a good understanding between " him and his parliament, he said, he thought it ne- " cessary to declare, that, as he had been so tender " of the privileges[y] of parliament, that he had been " ready and forward to retract any act of his own, " which he had been informed had trenched upon " their privileges; so he expected an equal tender- " ness in them of his known prerogatives,[z] which " are the unquestionable[a] privileges of the kingdom; " amongst which, he was assured, it was a funda- " mental one, that his subjects could not be obliged

[y] privileges] privilege

[z] known prerogatives,] known and unquestionable privileges,

[a] unquestionable] *Not in MS.*

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" to obey any act, order, or injunction, to which he " had not given his consent.

" And, therefore, he thought it necessary to pub- " lish, that he expected, and thereby required, obedi- " ence from all his loving subjects to the laws esta- " blished; and that they presumed not upon any " pretence of order, or ordinance, to which his ma- " jesty was no party, concerning the militia, or any " other thing, to do, or execute what was not war- " rantable by those laws; he being resolved to keep " the laws himself, and to require obedience to them " from all his subjects.

" He[b] once more recommended unto them the " substance of his message of the twentieth of Ja- " nuary last; that they would compose, and digest " with all speed, such acts as they should think fit " for the[c] present and future establishment of their " privileges, the free and quiet enjoying their estates " and fortunes, the liberties of their persons, the se- " curity of the true religion then professed in the " church of England, the maintaining his regal and " just authority, and settling his revenue; he being " most desirous to take all fitting and just ways, " which might beget a happy understanding be- " tween him and his parliament, in which he con- " ceived his greatest power and riches did consist."

Both houses' votes concerning the militia.

I have not known both houses in more choler and rage, than upon the receiving this message, which came early to them on Wednesday the sixteenth of March. Now the day before had been spent in preparing all things ready for the execution of the ordinance of the militia; they had voted, and resolved,

[b] He] And he. [c] the] their

" that it was not any way against the oath of alle-
" giance, that all the commissions to lieutenants
" under the great seal were illegal and void; and
" that whosoever should execute any power over the
" militia by colour of any commission of lieutenancy,
" without consent of both houses of parliament,
" should be accounted a disturber of the peace of
" the kingdom." Then they agreed upon this pro-
position, " That the kingdom had been of late, and
" still was, in so evident and imminent danger, both
" from enemies abroad, and a popish and discon-
" tented party at home, that there was an urgent
" and inevitable necessity of putting his majesty's
" subjects into a posture of defence, for the safe-
" guard both of the king and his people; and that
" the lords and commons, apprehending that dan-
" ger, and being sensible of their own duty to pro-
" vide a suitable prevention, had, in several peti-
" tions, addressed themselves to his majesty for the
" ordering and disposing the militia of the kingdom
" in such a way, as was agreed upon, by the wisdom
" of both houses, to be most proper for the present
" exigence of the kingdom: yet they could not ob-
" tain it; but his majesty did several times refuse
" to give his royal assent thereunto." Upon this
proposition, they resolved, " that in that case of ex-
" treme danger, and of his majesty's refusal, the or-
" dinance agreed on by both houses for the militia
" did oblige the people, and ought to be obeyed by
" the fundamental laws of the kingdom; and that
" such persons, as should be nominated deputy lieu-
" tenants, and approved of by both houses, should
" receive the commands of both houses, to take upon
" them to execute their offices." All which resolu-

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tions were ordered, the same night, to be printed and published. So that, when the king's message from Huntington was read the next morning, and seemed to be against their votes of the day before, they concluded, " that it could not be sent from the " king, but that it had been inserted in blanks left " in the town for such purposes;" and immediately made a committee, " to find out by whom that mes- " sage was framed." But when they remembered, that they had voted as much a week before, and had examined the gentleman who brought it, and had received it from the king's own hand, they proceeded no further in that inquisition; but satisfied themselves with a new vote, " that those " persons, who advised his majesty to absent him- " self from the parliament, and those that advised " him to that message, were enemies to the peace " of the kingdom, and justly to be suspected to be " favourers of the rebellion in Ireland." And for the matter itself they resolved to insist upon their former votes; and withal declared, " that when the " lords and commons in parliament, which is the su- " preme court of judicature in the kingdom, should " declare what the law of the land is, to have that " not only questioned and controverted, but contra- " dicted, and a command that it should not be obey- " ed, was a high breach of the privilege of parlia- " ment."

And this likewise they caused to be speedily printed; lest the king should be able to persuade the subjects, that an order of theirs, without his consent, was no law to compel their obedience. And from this last resolution, by which the law of the land, and consequently the liberty of the subject,

was resolved into a vote of the two houses, which passed without any dispute or hesitation, all sober men discerned the fatal period of both, and saw a foundation laid for all the anarchy and confusion that hath followed.

Their order concerning Hull.

It was now known, that the king was gone to York, which made them apprehend their principality of Hull might be in danger; and therefore they immediately resolve, "that no forces whatsoever "shall be admitted in that town, without the im- "mediate consent of both houses:" which order was sent thither by an express. And having prepared the people to be ready for the militia, by publishing, "that, in case of extreme danger, they were "to obey that ordinance;" they were, in the next place, to find the danger to be extreme; and, to that purpose, they produced letters without any name, pretended to be written from Amsterdam, signifying, "that they had intelligence there, that "there was an army ready in Denmark to be trans- "ported into England, and was to be landed at "Hull; which, they said, had been confirmed to "them by a person of reputation, from Newmarket, "who confirmed the intelligence of Denmark: and "added, that there were[d] likewise forces ready in "France to be landed[e] at Hull."

Of[f] this, how gross and ridiculous soever it appeared to wise men, they made a double use, (besides the general impression in the people,) the one to colour and countenance their orders to their governor there; the other, to make the king's residence in those parts suspected and grievous, as if he

[d] were] was [e] landed] likewise landed [f] Of] And of

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came thither only to bring in foreign forces upon them. With these alarms[g] of foreign forces, they mingled other intelligence of the papists in England, "that they had a purpose of making an insur-"rection;" and therefore they proceeded in preparing a bill to secure the persons of those of the best quality, and greatest interest, and enjoining the oath of supremacy to be taken with great rigour; and, amongst other stratagems they had to humble the papists, I remember, upon an information that they used their protestant tenants worse in the raising their rents, than they did those of their own religion, there was an order, "that they should not "raise the rents of their tenants, above the rates "that the protestant landlords adjoining received "from their tenants:" by virtue of which, in some places, they undertook to determine what rents their tenants should pay to them. But, in this zeal against the papists, they could not endure that the king should have any share; and therefore, when they found, that his majesty had published a proclamation in his journey towards York, "command-"ing all the judges and justices of peace, and other "officers, to put in due execution all the laws and "statutes of the kingdom, against popish recusants, "without favour or connivance," they presently sent for the sheriffs of London to the house of commons, and examined them, "why seven priests, who were "in Newgate, and had been long condemned, were "not executed?" the reason whereof they well knew: and when the sheriffs[h] said, "that they had "received a reprieve for them under the king's

[g] alarms] alarums [h] the sheriffs] they

"hand," they published that with great care in their prints, to take off the credit of the new proclamation; and appointed their messengers, whom they were then sending to the king with a new declaration, to move his majesty, "that he would take "off his reprieve, and suffer those seven condemned "priests to be executed, according to the judg- "ments they had received."

They proceeded now to provide all necessary means for the raising great sums of money, by the diligent collection of what was granted by former acts, and by a new bill for the raising of four hundred thousand pounds for the payment of the great debts of the kingdom, (by which they meant the remainder of the three hundred thousand pounds, they had bountifully given to their brethren of Scotland,) and the support of the war of Ireland: all which monies were to be received and disposed as the two houses should direct; of which though the king saw the danger, that might, and did after ensue thereupon,[i] yet he thought that probable inconvenience and mischief to be less, than that, which the scandal of denying any thing, upon which the recovery of Ireland seemed to depend, would inevitably bring upon him; and so ratified whatsoever they brought to him of that kind.

They make propositions for adventurers in Ireland.

Amongst other expedients for raising of money for the war of Ireland, about this time, they made certain propositions to encourage men to be adventurers in that traffick, thus: they concluded "that, "in so general a rebellion, very much land must "escheat to the crown by the forfeiture of treason,

[i] and did after ensue thereupon,] and after did ensue to them,

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"and that, out of such forfeitures, satisfaction might "be given to those, who should disburse money to- "wards the suppression of the rebels; so many "acres of land to be allowed for so much money, "according to the value of the lands in the several "provinces, which was specified in the proposi- "tions;" which, having passed both houses, were presented to the king, who (it being about the beginning of February, when the breach of their privileges rung[k] in all men's ears) answered, "that as "he had offered, and was still ready to venture, his "own person for the recovery of that kingdom, if "his parliament should advise him thereunto; so "he would not deny to contribute any other assist- "ance he could to that service, by parting with any "profit or advantage of his own there; and there- "fore, relying upon the wisdom of his parliament, "he did consent to every proposition, now made to "him, without taking time to consider and exa- "mine, whether that course might not retard the "reducing that kingdom, by exasperating the re- "bels, and rendering them desperate of being re- "ceived into grace, if they should return to their "obedience. And, he said, he would be ready to "give his royal assent to such bills, as should be "tendered to him by his parliament for the con- "firmation of those propositions."

The king consents to them.

Which answer, together with their propositions, they caused forthwith to be printed; made their committees, in all places, to solicit subscriptions, and to receive the monies, the principal and most active persons subscribing first, for the example of

[k] rung] rang

others; and delayed the framing and presenting the bill to the king, till they had received great sums of money, and procured very many persons of all conditions to subscribe, many coming in out of pure covetousness to raise great fortunes; five hundred acres of land being assigned for one hundred pound in some counties, and not much under that proportion in others; some out of pure fear, and to win credit with the powerful party, which made this new project a measure of men's affections, and a trial how far they might be trusted, and relied on.

Then they sent those propositions digested into a bill to the king, with such clauses of power to them, and diminution of his own, that, upon the matter, he put the making a peace with the rebels there out of his power,[1] though upon the most advantageous terms; which he was likewise necessitated to pass.

The king passes a bill to that purpose.

But notwithstanding all these preparations on this side the sea, the relief and provision was very slowly supplied to the other side: where the rebels still increased in strength, and by the fame of these propositions enlarged their power, very many persons of honour and fortune, who till then had sat still, and either were, or seemed to be, averse to the rebellion, joining with them, as being desperate, and conceiving the utter suppressing their religion, and the very extirpation of their nation, to be decreed against them. And, without doubt, the great reformers here were willing enough to drive them to any extremity, both out of revenge and contempt, as a people easy to be rooted out, and that the war

[1] his power,] his own power,

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might be kept up still;[m] since they feared an union in that kingdom might much prejudice their designs in this, both as it might supply the king with power, and take away much of theirs; whereas now they had opportunity, with reference to Ireland, to raise both men and money, which they might be able to employ upon more pressing occasions, as they will be found afterwards to have done. Neither was it out of their expectation and view, that, by the king's consenting to that severe decree, he might very probably discourage his catholic subjects, in his other dominions, from any extraordinary acts of duty and affection: at least, that it would render him less considered by most[n] catholic princes. And they knew well what use to make of any diminution of his interest or reputation. These matters thus settled, for the ease of the two houses, who were now like to have much to do, they appointed the whole business of Ireland to be managed by commission under the great seal of England, by four lords and eight commoners, whom they recommended to the king, and who were always to receive instructions from themselves. And in this state and disposition were the affairs of Ireland, when the king went to York, where let us now resort to him.

[m] up still;] still up; [n] most] the most

THE END OF THE FOURTH BOOK.

THE

HISTORY

OF THE

REBELLION, &c.

BOOK V.

[a] Isa. iii. 12.

As for my people, children are their oppressors, and women rule over them. O my people, they which lead thee cause thee to err, and destroy the way of thy paths [a].

As soon as the king came to York, which was about the end of the year 1641, and found his reception there to be equal to his expectation, the gentry, and men of ability of that great and populous county, (some very few excepted,) expressing great alacrity for his majesty's being with them, and no less sense of the insolent proceedings of the parliament; thereupon [b] he resolved to treat with the two houses in another manner than he had done, and to let them clearly know, "that as he would "deny them nothing that was fit for them to ask, "so he would yield to nothing that was unreason- 1642. N. S.

[a] Isa. iii. 12. *As for—thy paths.*] *Not in MS.*

[b] thereupon] whereupon

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" able for him to grant; and that he would have " nothing extorted from him, that he was not very " well inclined to consent to." So, within few days after his coming thither, he sent them [c] a declaration (which he caused to be printed, and, in the frontispiece, recommended to the consideration of all his loving subjects) in answer [d] to that presented to him at Newmarket some days before: he told them,

His majesty's declaration from York, March 9.

" That, though that declaration, presented to " him at Newmarket from both houses of parlia- " ment, was [e] of so strange a nature, in respect of " what he expected, (after so many acts of grace " and favour to his people,) and some expressions in " it so different from the usual language to princes, " that he might well take a very long time to con- " sider it; yet the clearness and uprightness of his " conscience to God, and love to his subjects, had " supplied him with a speedy answer; and his unal- " terable affection to his people prevailed with him " to suppress that passion, which might well enough " become him upon such invitation [f]. He said, he " had reconsidered [g] his answer of the first of that " month at Theobalds, which was urged [h] to have " given just cause of sorrow to his subjects: but, he " said, whoever looked over that message, (which " was in effect to tell him, that if he would not join " with them in an act, which he conceived might " prove prejudicial and dangerous to him, and the " whole kingdom, they would make a law without

[c] them] *Not in MS.*
[d] in answer] to them, in answer
[e] was] were
[f] such invitation.] such an invitation.
[g] reconsidered] considered
[h] urged] said

" him, and impose it upon his people,) would not
" think that sudden answer could be excepted to.
" He said, he had little encouragement to replies of
" that nature, when he was told of how little value
" his words were like to be with them, though they
" came accompanied with all the actions of love and
" justice, (where there was room for actions to ac-
" company them;) yet he could not but disavow the
" having any such evil counsel, or counsellors about
" him, to his knowledge, as were mentioned by
" them; and, if any such should be discovered, he
" would leave them to the censure and judgment of
" his parliament. In the mean time he could wish,
" that his own immediate actions, which he did
" avow, and his own honour, might not be so roughly
" censured and wounded, under that common style
" of evil counsellors. For his faithful and zealous
" affection to the true protestant profession, and his
" resolution to concur with his parliament in any
" possible course for the propagation of it, and the
" suppression of popery, he said he could say no
" more than he had already expressed in his de-
" claration to all his loving subjects, published in
" January last, by the advice of his privy council;
" in which he endeavoured to make as lively a con-
" fession of himself in that point as he was able, be-
" ing most assured, that the constant practice of his
" life had been answerable thereunto: and there-
" fore he did rather expect a testimony, and ac-
" knowledgment of such his zeal and piety, than
" those expressions he met with in that declaration
" of any design of altering religion in this kingdom.
" And he said, he did, out of the innocency of his
" soul, wish, that the judgments of Heaven might

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" be manifested upon those, who have or had any " such design.

" As for the Scots' troubles, he told them, he had " thought, that those unhappy differences had been " wrapped up in perpetual silence by the act of ob- " livion; which, being solemnly passed in the par- " liaments of both kingdoms, stopped his own mouth " from any other reply, than to shew his great dis- " like for reviving the memory thereof. He said, if " the rebellion in Ireland, so odious to all Christians, " seemed to have been framed and maintained in " England, or to have any countenance from hence, " he conjured both his houses of parliament, and all " his loving subjects whatsoever, to use all possible " means to discover and find such out, that he might " join in the most exemplary vengeance upon them, " that could be imagined. But, he told them, he " must think himself highly and causelessly injured " in his reputation, if any declaration, action, or " expression of the Irish rebels; any letters[i] from " the count Rozetti to the papists, for fasting and " praying; or from Tristram Whetcomb, of strange " speeches uttered in Ireland, should beget any jea- " lousy or misapprehension in his subjects of his jus- " tice, piety, and affection: it being evident to all " understandings, that those mischievous and wick- " ed rebels are not so capable of great advantage, as " by having their false discourses so far believed, as " to raise fears and jealousies to the distraction of " this kingdom; the only way to their security. He " said, he could not express a deeper sense of the " sufferings of his poor protestant subjects in that

[i] letters] letter

" kingdom, than he had done in his often messages " to both houses; by which he had offered, and was " still ready, to venture his royal person for their " redemption; well knowing, that as he was, in his " own interests, more concerned in them; so he was " to make a strict account to Almighty God for any " neglect of his duty, or their preservation.

" For the manifold attempts to provoke his late " army, and the army of the Scots, and to raise a " faction in the city of London, and other parts of " the kingdom, if it were said as relating to him, he " could not without great indignation suffer himself " to be reproached to have intended the least force, " or threatening to his parliament; as the being " privy to the bringing up the army[k] would imply. " Whereas, he called God to witness, he never had " any such thought, nor knew[l] of any such resolu- " tion concerning his late army. For the petition " shewed to him by captain Leg, he said, he well " remembered the same, and the occasion of that " conference. Captain Leg being lately come out " of the north, and repairing to him at Whitehall, " his majesty asked him of the state of his army; " and, after some relation of it, he told his majesty, " that the commanders and officers of the army had " a mind to petition the parliament, as others of his " people had done, and shewed him the copy of a " petition; which he read, and finding it to be very " humble, desiring the parliament might receive no " interruption in the reformation of church[m] and " state, to the model of queen Elizabeth's days, his

[k] the army] of the army
[l] nor knew] or knew
[m] of church] of the church

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" majesty told him, that he saw no harm in it;
" whereupon captain Leg replied, that he believed
" all the officers of the army would like it; only, he
" thought, sir Jacob Ashley would be unwilling to
" sign it, out of fear that it would[n] displease him.
" His majesty then read the petition over again;
" and observing nothing in matter or form he con-
" ceived could possibly give just cause of offence, he
" delivered it to him again, bidding him give it to
" sir Jacob Ashley, for whose satisfaction he writ
" C. R. upon it, to testify his approbation; and he
" wished that the petition might be seen and pub-
" lished, and then he believed it would appear no
" dangerous one, nor a just ground for the least jea-
" lousy or misapprehension.

" For Mr. Jermyn, he said, it was well known
" that he was gone from Whitehall, before he re-
" ceived the desire of both houses for the restraint
" of his servants; neither returned he thither, or
" passed over by any warrant granted by him after
" that time. For the breach of privilege in the ac-
" cusation of the lord Kimbolton, and the five mem-
" bers of the house of commons, he told them, he
" thought, he had given so ample satisfaction in his
" several messages to that purpose, that it should
" have been no more pressed against him; being con-
" fident, if the breach of privilege had been greater
" than ever had been before offered, his acknow-
" ledgment and retractation had been greater than
" ever king had given: besides the not examining
" how many of his privileges had been invaded in
" defence and vindication of the other. And there-

[n] would] might

" fore he hoped his true and earnest protestation in " his answer to their order concerning the militia, " would so far have satisfied them of his intentions " then, that they would no more have entertained " any imagination of any other design, than he there " expressed. But why the listing so many officers, " and entertaining them at Whitehall, should be " misconstrued, he said, he much marvelled, when " it was notoriously known the tumults at West- " minster[o] were so great, and their demeanour so " scandalous and seditious, that he had good cause " to suppose his own person, and those of his wife " and children, to be in apparent danger; and there- " fore he had great reason to appoint a guard about " him, and to accept the dutiful tender of the ser- " vices of any of his loving subjects, which was all " he did to the gentlemen of the inns of court.

" For the lord Digby, he assured them in the word " of a king, that he had his warrant to pass the seas, " and had left his court, before ever he heard of the " vote of the house of commons, or had any cause " to imagine that his absence would have been ex- " cepted against. What their advertisements were " from Rome, Venice, Paris, and other parts, or what " the pope's nuncio solicits the kings of France and " Spain[p] to do, or from what persons such informa- " tions come to them, or how the credit and reputa- " tion of such persons had been sifted and examin- " ed, he said, he knew not; but was confident, no " sober honest man in his kingdoms could believe, " that he was so desperate, or so senseless, to enter- " tain such designs, as would not only bury this his

[o] at Westminster] about Westminster [p] and Spain] or Spain

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" kingdom in sudden distraction and ruin, but his " own name and posterity in perpetual scorn and " infamy. And therefore, he said, he could have " wished in matters of so high and tender a nature, " wherewith the minds of his good subjects must " needs be startled, all the expressions had been so " plain and easy, that nothing might stick with them " that reflected upon his majesty; since they thought " fit to publish it at all.

" And having now dealt thus plainly and freely " with them, by way of answer to the particular " grounds of their fears, he said, he hoped, upon a " due consideration and weighing of both together, " they would not find the grounds to be of that mo- " ment to beget, or longer to continue, a misunder- " standing between them; or force them to apply " themselves to the use of any other power, than " what the law had given them: the which he al- " ways intended should be the measure of his own " power, and expected it should be the rule of his " subjects' obedience.

" Concerning his own fears and jealousies, as he " had no intention of accusing them, so he said, he " was sure no words spoken by him on the sudden " at Theobalds would bear that interpretation. He " had said, for his residence near them, he wished it " might be so safe and honourable, that he had no " cause to absent himself from Whitehall; and how " that could be a breach of privilege of parliament " he could not understand. He said, he had ex- " plained his meaning in his answer at Newmarket, " at the presentation of that declaration, concerning " the printed seditious pamphlets, and sermons, and " the great tumults at Westminster: and he said, he

" must appeal to them, and all the world, whether " he might not justly suppose himself in danger of " either. And if he were now at Whitehall, he " asked them, what security he had, that the like " should not be again? especially if any delinquents " of that nature had been apprehended by the mi- " nisters of justice, and had been rescued by the " people, and so as yet had escaped unpunished. He " told them, if they had not yet been informed of " the seditious words used in, and the circumstances " of those tumults, and would appoint some way for " the examination of them, he would require some " of his learned council to attend with such evidence " as might satisfy them; and till that were done, or " some other course should be taken for his security, " he said, they could not with reason wonder, that " he intended not to be, where he most desired to " be.

" He asked them, whether there could yet want " evidence of his hearty and importunate desire to " join with his parliament, and all his faithful sub- " jects, in defence of the religion and public good of " the kingdom? Whether he had given them no " other earnest but words, to secure them of those " desires? He told them the very remonstrance of " the house of commons (published in November " last) of the state of the kingdom allowed him a " more real testimony of his good affections, than " words; that remonstrance valued his acts of grace " and justice at so high a rate, that it declared the " kingdom to be then a gainer, though it had charged " itself, by bills of subsidies and poll-money, with " the levy of six hundred thousand pounds, besides " the contracting a debt of two hundred and twenty

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1642. " thousand pounds more to his subjects of Scotland.
" He asked them, whether the bills for the trien-
" nial parliament, for relinquishing his title of impos-
" ing upon merchandise, and power of pressing of
" soldiers, for the taking away the star-chamber and
" high-commission courts, for the regulating the
" council table, were but words? whether the bills
" for the forests, the stannary courts, the clerk of
" the market, and the taking away the votes of bi-
" shops out of the lords' house, were but words?
" Lastly, what greater earnest of his trust, and re-
" liance on his parliament, could he give,[q] than the
" passing the bill for the continuance of this pre-
" sent parliament? the length of which, he said, he
" hoped, would never alter the nature of parliaments,
" and the constitution of this kingdom; or invite his
" subjects so much to abuse his confidence, as to
" esteem any thing fit for this parliament to do,
" which were not fit, if it were in his power to dis-
" solve it to-morrow. And after all these, and many
" other acts of grace on his part, that he might be
" sure of a perfect reconciliation between him and
" all his subjects, he had offered, and was still ready
" to grant, a free and general pardon, as ample as
" themselves should think fit. Now if those were
" not real expressions of the affections of his soul
" for the public good of this kingdom, he said
" he must confess that he wanted skill to manifest
" them.

" To conclude: although he thought his answer
" already full to that point concerning his return to
" London, he told them, that he was willing to de-

[q] could he give,] he could give,

" clare, that he looked upon it as a matter of so " great weight, as with reference to the affairs of " this kingdom, and to his own inclinations and de- " sires, that if all he could say, or do, could raise a " mutual confidence, (the only way, with God's bless- " ing, to make them all happy,) and, by their en- " couragement, the laws of the land, and the govern- " ment of the city of London, might recover some " life for his security; he would overtake their de- " sires, and be as soon with them, as they could " wish. And, in the mean time, he would be sure " that neither the business of Ireland, nor[r] any other " advantage for this kingdom, should suffer through " his default, or by his absence; he being so far " from repenting the acts of his justice and grace, " which he had already performed to his people, " that, he said, he should, with the same alacrity, " be still ready to add such new ones, as might best " advance the peace, honour, and prosperity of this " nation."

They who now read this declaration, and remember only the insolent and undutiful expressions in that declaration, to which this was an answer, and the more insolent and seditious actions which preceded, accompanied, and attended it, may think that the style was not answerable to the provocation, nor princely enough for such a contest; and may believe, that if his majesty had then expressed himself with more indignation for what he had suffered, and more resolution, " that he would no more endure " those sufferings," they who were not yet grown to the hardiness of avowing the contempt of the king

[r] nor] or

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(and most of them having designs to be great with and by him, whom they provoked) would sooner have been checked, and recovered their loyalty and obedience. But they again, who consider and remember that juncture[s] of time, the incredible disadvantage his majesty suffered by the misunderstanding of his going to the house of commons, and by the popular mistake of privilege of parliament, and consequently of the breach of those privileges; and, on the contrary, the great height and reputation the factious party had arrived to, the stratagems they used, and the infusions they made into the people, "of the king's disinclination to the laws of the "land;" and especially, "that he had consented to "all those excellent laws made this parliament (of "which the people were possessed) very unwillingly, "and meant to avoid them: that the queen had an "irreconcileable hatred to the religion professed, and "to the whole nation, and that her power was un-"questionable: that there was a design to send the "prince beyond the seas, and to marry him to some "papist:" above all, (which the principal of them, with wonderful confidence, in all places avowed to be true,) "that the rebellion in Ireland was foment-"ed, and countenanced at least, by the queen, that "good terms might be got for the catholics in Eng-"land:" I say, whoever remembers all[t] this, and, that though it might be presumed, that the exorbitancy of the parliament might be very offensive to some sober and discerning men, yet his majesty had no reason to presume of their eminent and vehement zeal on his behalf, since he saw all those (some few[u]

[s] juncture] conjuncture
[t] all] *Not in MS.*
[u] some few] two or three

only excepted) from whom he might challenge the duty, and faith of servants *usque ad aras*, and for whose sake he had undergone many difficulties, either totally aliened from his service, and engaged against him, or, like men in a trance, unapplicable to it: he will, I say,[v] conclude that it concerned his majesty, by all gentleness and condescension, to undeceive and recover men to their sobriety and understanding, before he could hope to make them apprehensive of their own duty, or the reverence that was due to him; and therefore, that he was to descend to all possible arts and means to that purpose, it being very evident, that men would no sooner discern his princely justice and clemency, than they must be sensible of the indignities which were offered to him, and incensed against those who were the authors of them.

And the truth is, (which I speak knowingly,) at that time, the king's resolution was to shelter himself wholly under the law; to grant any thing, that by the law he was obliged to grant; and to deny what by the law was in his own power, and which he found inconvenient to consent to; and to oppose and punish any extravagant attempt by the force and power of the law, presuming that the king and the law together would have been strong enough for any encounter that could happen; and that the law was so sensible a thing, that the people would easily perceive who endeavoured to preserve, and who to suppress it, and dispose themselves accordingly.

The day before this answer of his majesty came to the members then sitting at Westminster,[x] though

[v] I say,] *Not in MS.*

[x] to the members then sitting at Westminster,] to them,

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they knew they should speedily receive it, lest somewhat in it might answer, and so prevent some other scandals they had a mind to lay to his majesty's charge, they sent a petition to him, in the name of the lords and commons, upon occasion of the short cursory speech he made to their committee, (which is before mentioned,) at the delivery of their declaration at Newmarket, in which they told him,

The petition of the lords and commons presented to his majesty at York, March 26, 1642.

"That the lords and commons in parliament could "not conceive, that that declaration, which he re- "ceived from them at Newmarket, was such as did "deserve that censure his majesty was pleased to "lay upon them in that speech, which his majesty "made to their committee; their address therein, "being accompanied with plainness, humility, and "faithfulness, they thought more proper for the re- "moving the distraction of the kingdom, than if "they had then proceeded according to his message "of the twentieth of January; by which he was "pleased to desire, that they would declare, what "they intended to do for his majesty, and what they "expected to be done for themselves; in both which, "they said, they had been very much hindered by "his majesty's denial to secure them, and the whole "kingdom, by disposing the militia as they had di- "vers times most humbly petitioned. And yet, "they said, they had not been altogether negligent "of either, having lately made good proceedings in "preparing a book of rates, to be passed in a bill of "tonnage and poundage, and likewise the most ma- "terial heads of those humble desires, which they "intended to make to his majesty for the good and "contentment of his majesty and his people; but

" none of those[y] could be perfected before the king-
" dom be put in safety, by settling the militia: and
" until his majesty should be pleased to concur with
" his parliament in those necessary things, they held
" it impossible for his majesty to give the world, or
" his people, such satisfaction concerning the fears
" and jealousies, which they had expressed, as they
" hoped his majesty had already received touching
" that exception, which he was pleased to take to
" Mr. Pym's speech. As for his majesty's fears and
" doubts, the ground whereof was from seditious
" pamphlets and sermons, they said, they should be
" as careful to endeavour the removal of them[z], as
" soon as they should understand what pamphlets
" and sermons were by his majesty intended, as they
" had been to prevent all dangerous tumults. And
" if any extraordinary concourse of people out of the
" city to Westminster had the face and show of tu-
" mult and danger, in his majesty's apprehension, it
" would appear to be caused by his majesty's denial
" of such a guard to his parliament, as they might
" have cause to confide in; and by taking into
" Whitehall such a guard for himself, as gave just
" cause of jealousy to the parliament, and of terror
" and offence to his people. They told him, they
" sought nothing but his majesty's honour, and the
" peace and prosperity of his kingdoms; and that
" they were heartily sorry they had such plentiful
" matter for an answer[a] to that question, whether
" his majesty had violated their laws? They be-
" sought his majesty to remember, that the govern-
" ment of this kingdom, as it was, in a great part,

[y] those] these

[z] of them] *Not in MS.*

[a] for an answer] of an answer

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" managed by his ministers before the beginning of " this parliament, consisted of many continued and " multiplied acts of violation of laws; the wounds " whereof were scarcely healed, when the extremity " of all those violations was far exceeded by the late " strange and unheard of breach of their laws in the " accusation of the lord Kimbolton, and the five mem- " bers of the commons' house, and in the proceedings " thereupon; for which they had yet received no " full satisfaction.

" To his majesty's next question, whether he had " denied any bill for the ease and security of his " subjects? they wished they could stop in the midst " of their answer; that with much thankfulness they " acknowledged, that his majesty had passed many " good bills full of contentment and advantage to his " people: but truth and necessity enforced them to " add this, that, even in or about the time of passing " those bills, some design or other had been on foot, " which, if it had taken effect, would not only have " deprived them of the fruit of those bills, but have " reduced them to a worse condition of confusion, " than that wherein the parliament found them.

" And if his majesty had asked them the third ques- " tion intimated in that speech, what they had done " for him? they told him, their answer would have " been much more easy; that they had paid two ar- " mies with which the kingdom was burdened the " last year, and had undergone the charge of the war " in Ireland at this time, when, through many other " excessive charges and pressures, his subjects[b] had " been exhausted, and the stock of the kingdom very

[b] his subjects] whereby his subjects

" much diminished; which great mischiefs, and the
" charges thereupon ensuing, had been occasioned
" by the evil counsels so powerful with his majesty,
" which had[c] and would cost this kingdom more
" than two millions; all which, in justice, ought to
" have been borne by his majesty.

" As for that free and general pardon his majesty
" had been pleased to offer, they said, it could be no
" security to their fears and jealousies, for which his
" majesty seemed to propound it; because they arose
" not from any guilt of their own actions, but from
" the evil designs and attempts of others.

" To that their humble answer to that speech,
" they desired to add an information, which they had[d]
" lately received from the deputy governor of the
" merchant adventurers at Rotterdam in Holland,
" that an unknown person, appertaining to the lord
" Digby, did lately solicit one James Henly, a ma-
" riner, to go to Elsinore, and to take charge of a
" ship in the fleet of the king of Denmark, there pre-
" pared; which he should conduct to Hull. In which
" fleet likewise, he said, a great army was to be
" transported: and although they were not apt to
" give credit to informations of that nature, yet they
" could not altogether think it fit to be neglected;
" but that it might justly add somewhat to the
" weight of their fears and jealousies, considering
" with what circumstances it was accompanied; with
" the lord Digby's preceding[e] expressions in his letter
" to her majesty, and sir Lewis Dives; and his ma-
" jesty's succeeding course of withdrawing himself
" northward from his parliament, in a manner very

[c] which had] *Not in MS.*
[d] had] *Not in MS.*
[e] preceding] precedent

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" suitable and correspondent to that evil counsel;
" which, they doubted, would make much deeper im-
" pression in the generality of his people: and there-
" fore they most humbly advised, and besought his
" majesty, for the procuring and settling the confi-
" dence of his parliament and all his subjects, and
" for the other important reasons concerning the re-
" covery of Ireland, and securing this kingdom,
" which had been formerly presented to him, he
" would be graciously pleased, with all convenient
" speed, to return to those parts, and to close with
" the counsel and desire of his parliament; where
" he should find their dutiful affections and endea-
" vours ready to attend his majesty with such enter-
" tainment, as should not only give him just cause
" of security in their faithfulness, but other manifold
" evidences of their earnest intentions, and endea-
" vours to advance his majesty's service, honour, and
" contentment; and to establish it upon the sure
" foundation of the peace and prosperity of all his
" kingdoms."

The king's answer.

This, which they called a petition, being presented to the king, his majesty immediately returned, by the same messengers, his answer in these words:

" If you would[f] have had the patience to have
" expected our answer to your last declaration,
" (which, considering the nature of it, hath not been
" long in coming,) we believe, you would have saved
" yourselves the labour of saying much of this mes-
" sage. And we could wish, that our privileges on
" all parts were so stated, that this way of corre-
" spondency might be preserved with that freedom,

[f] If you would, &c.] *This answer of his majesty is in the hand-writing of lord Clarendon's secretary.*

" which hath been used of old. For we must tell
" you, that if you may ask any thing of us by mes-
" sage, or petition, and in what language (how unu-
" sual soever) you think fit; and we must neither
" deny the thing you ask, nor give a reason why we
" cannot grant it, without being taxed of breaking
" your privileges, or being counselled by those, who
" are enemies to the peace of the kingdom, and fa-
" vourers of the Irish rebellion, (for we have seen
" your printed votes upon our message from Hunt-
" ington,) you will reduce all our answers hereafter
" into a very little room; in plain English, it is to
" take away the freedom of our vote; which, were
" we but a subject, were high injustice; but being
" your king, we leave all the world to judge what
" it is.

" Is this the way to compose all misunderstand-
" ings? we thought we shewed you one, by our mes-
" sage of the twentieth of January; if you have a
" better or readier, we shall willingly hearken to it,
" for hitherto you have shewed us none. But why
" the refusal to consent to your order, which you
" call a denial of the militia, should be any interrup-
" tion to it, we cannot understand. For the militia,
" which we always thought necessary to be settled,
" we never denied the thing (as we told you in our
" answer of the twenty-eighth of January) to the pe-
" tition of the house of commons; for we accepted
" the persons, except for corporations; we only de-
" nied the way. You ask it by way of ordinance,
" and with such a preface, as we can neither with
" justice to our honour or innocency consent to. You
" exclude us from any power in the disposition or
" execution of it together with you, and for a time

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" utterly unlimited. We tell you, we would have " the thing done; allow the persons, with that ex- " ception; desire a bill, the only good [g] old way of " imposing on our subjects: we are extremely unsa- " tisfied what an ordinance is, but well satisfied, that " without our consent it is nothing, nor [h] binding: " and it is evident by the long time spent in this ar- " gument, the necessity and danger was not so im- " minent, but a bill might have been prepared; " which if it shall yet be done, with that due regard " to us, and care of our people, in the limitation of " the power and other circumstances, we shall recede " from nothing we formerly expressed in that answer " to your order; otherwise, we must declare to all " the world, that we are not satisfied with, or shall " ever allow our subjects to be bound by, your printed " votes of the fifteenth or sixteenth of this month; " or that, under pretence of declaring what the law " of the land is, you shall, without us, make a new " law, which is plainly the case of the militia: and " what is this but to introduce an arbitrary way of " government?

" Concerning Pym's speech, you will have found, " by what the lord Compton and Mr. Baynton " brought from us in answer to that message they " brought to us, that, [i] as yet, we rest nothing satis- " fied in that particular.

" As for the seditious pamphlets and sermons, we " are both sorry and ashamed (in so great a variety, " and in which our rights, honour, and authority " are so insolently slighted and vilified, and in which " the dignity and freedom of parliaments [k] is so much

[g] good] *Not in MS.*
[h] nor] not
[i] that,] and,
[k] parliaments] parliament

" invaded and violated) it should be asked of us to
" name any. The mentioning of the Protestation
" Protested, the Apprentices Protestation, *To your*
" *tents, O Israel*, or any other, would be too great
" an excuse for the rest: if you think them not worth
" your inquiry, we have done. But we think it
" most strange to be told, that our denial of[l] a guard
" (which we yet never denied, but granted in an-
" other manner, and under a command at that time
" most accustomed in the kingdom,) or the denial of
" any thing else, (which is in our power legally to
" deny,) which in our understanding, of which God
" hath surely given us some use, is not fit to be
" granted, should be any excuse for so dangerous a[m]
" concourse of people; which, not only in our appre-
" hension, but, we believe, in the interpretation of
" the[n] law itself, hath been always held most tu-
" multuous and seditious. And we must wonder,
" what, and whence come[o] the instructions and in-
" formations, that those people have, who can so ea-
" sily think themselves obliged by the protestation
" to assemble in such a manner for the defence of
" privileges, which cannot be so clearly known to
" any of them, and so negligently pass over the con-
" sideration and defence of our rights, so beneficial
" and necessary for themselves, and scarce unknown
" to any of them; which by their oaths of allegiance
" and supremacy, and even by the same protestation,
" they are at least equally obliged to defend. And
" what interruptions such kind of assemblies may be
" to the freedom of future parliaments, (if not sea-
" sonably discountenanced and suppressed,) we must

[l] of] to
[m] a] *Not in MS.*
[n] the] *Not in MS.*
[o] whence come] whence comes

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"advise you to consider; as likewise, whether both "our rights and powers may not by such means be "usurped, by hands not trusted by the constitution "of this kingdom. For our guard, we refer you to "our answer to your declaration.

"By that question of violating your laws, by "which we endeavoured to express our care and re- "solution to observe them, we did not expect you "would have been invited to have looked back so "many years, for which you have had so ample re- "paration; neither looked we to have been re- "proached with the actions of our ministers then "against the laws, whilst we express so great zeal[p] "for the present defence of them; it being our reso- "lution, upon observation of the mischief which then "grew by arbitrary power, (though made plausible "to us by the suggestions of necessity and imminent "danger; and take you heed, you fall not into the "same error, upon the same suggestions,) hereafter "to keep the rule ourself, and to our power require "the same from all others. But above all, we must "be most sensible of what you cast upon us for re- "quital of those good bills, you cannot deny. We "have denied any such design; and as God Al- "mighty must judge in that point between us, who "knows our upright intentions at the passing those "laws, so in the mean time we defy the Devil to "prove, that there was any design (with our know- "ledge or privity) in or about the time of passing "those bills, that, had it taken effect, could have de- "prived our subjects of the fruit of them. And "therefore we demand full reparation in this point,

[p] zeal] a zeal

" that we may be cleared in the sight of all the " world, and chiefly in the eyes of our loving sub- " jects, from so notorious and false an imputation as " this is.

" We are far from denying what you have done; " for we acknowledge the charge our people hath [q] " sustained in keeping the two armies, and in reliev- " ing Ireland; of which we are so sensible, that, in " regard of those great burdens our people hath [r] un- " dergone, we have, and do patiently suffer those ex- " treme personal wants, as our predecessors have " been seldom put to, rather than we would press " upon them; which we hope in time will be consi- " dered on your parts.

" In our offer of a general pardon, our intent was " to compose and secure the general condition of our " subjects, conceiving that, in these times of great " distractions, the good laws of the land have not " been enough observed: but it is a strange world, " when princes' proffered favours are counted re- " proaches: yet if you like not this our offer, we " have done.

" Concerning any discourses of foreign forces, " though we have given you a full answer in ours to " your last declaration, yet we must tell you, we " have neither so ill an opinion of our own merit, or " the affections of our good subjects, as to think our- " self in need of any foreign forces to preserve us " from oppression; and we shall not need for any " other purpose: but are confident, through God's " providence, not to want the good wishes and as- " sistance of the whole kingdom, being resolved to

[q] hath] have

[r] hath] have

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"build upon that sure foundation, the law of the "land: and we take it very ill, that general[s] dis- "courses between an unknown person and a ma- "riner, or inferences upon letters, should be able to "prevail in matters so improbable in themselves, "and scandalous to us; for which we cannot but "likewise ask reparation, not only for the vindica- "tion[t] of our own honour, but also thereby to settle "the minds of our subjects, whose fears and jea- "lousies would soon vanish, were they not fed and "maintained by such false and malicious rumours as "these.

"For our return to our parliament, we have given "you a full answer in ours to your declaration; and "you ought to look on us as not gone, but driven "(we say not by you, yet) from you. And if it be "not so easy for you to make our residence in Lon- "don so safe as we could desire, we are and will be "contented, that our parliament be adjourned to "such a place, where we may be fitly and safely "with you. For though we are not pleased to be at "this distance, yet you[u] are not to expect our pre- "sence, until you[x] shall both secure us concerning "our just apprehensions of tumultuary insolences, "and likewise give us satisfaction for those insup- "portable and insolent scandals, that are raised "upon us.

"To conclude: as we have or shall not refuse any "agreeable way to justice[y] or honour, which shall "be offered to us for the begetting a right under- "standing between us; so we are resolved that no

[s] general] any general
[t] vindication] vindicating
[u] you] ye
[x] you] ye
[y] agreeable way to justice] way agreeable to justice

" straits or necessities, to which we may be driven,
" shall ever compel us to do that, which the reason
" and understanding that God hath given us, and
" our honour and interest, with which God hath
" trusted us for the good of our posterity and king-
" doms, shall render unpleasant and grievous to us.
" And we assure you, how[z] meanly soever you are
" pleased to value the discharge of our public duty,
" we are so conscious to ourself of having done our
" part since this parliament, that, in whatsoever con-
" dition we now stand, we are confident of the con-
" tinued protection from Almighty God, and the con-
" stant gratitude, obedience, and affection from our
" people. And we shall trust God with all."

These quick answers from the king gave them very much trouble, and made it evident to them, that he would be no more swaggered into concessions that he thought unreasonable, or persuaded to them upon general promises, or an implicit confidence in their future modesty; but that he demanded reparation for the breach of his privileges, and so fought with them with their own weapons, troubled them much more; apprehending that, in a short time, the people might be persuaded to believe, that the king was in the right, and had not been well dealt with: and though some few, who thought themselves too far engaged to retire, were glad of the sharpness of these paper skirmishes, which they believed made the wound still wider, and more incurable; yet the major part, which had been induced to join with them out of confidence that the king would yield, and that their boldness and importunity in asking

[z] how] that how

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would prevail with his majesty to consent, wished themselves fairly unentangled: and I have heard many of the fiercest concurrers, and who have ever since kept them company, at that time profess, "that if any expedient might be found to reconcile "the present difference about the militia, they "would no more adventure upon demands of the "like nature:" and the earl of Essex himself was startled, and confessed to his friends, "that he de- "sired a more moderate proceeding should be in "parliament; and that the king, who had given so "much, should receive some satisfaction." But those of the court, who thought their faults to their master most unpardonable, could not endure that the youngest courtier[a] should be the eldest convert; and therefore, by repeating what the king and queen had said of him heretofore, and by fresh intelligence, which they procured from York, of what the king then thought of him, they persuaded him, "that his condition was too desperate to recede:" and all men were persuaded, that this steady[b] deportment of the king proceeded from some new evil counsellors,[c] who would be as soon destroyed as discovered; and that then they would so carry themselves, that the king should owe his greatness and his glory (for they still said, "he should excel "all his predecessors in both") to their formed counsels and activity, and not to the whispers of those who thought to do his business without them. And I am persuaded, that even then, and I was at that

[a] that the youngest courtier] that he being the youngest courtier

[b] steady] severe

[c] from some new evil counsellors,] from the spirit of some new evil counsellors,

time no stranger to the persons of most that governed, and a diligent observer of their carriage, they had rather a design of making themselves powerful with the king, and great at court, than of lessening the power of the one, or reforming the discipline of the other: but, no doubt, there were some few in the number that looked further; yet, by pretending that, kept up the mettle of writing, and inclined them for their honour to new declarations.

The king[d] found himself at some ease, and most persons of quality of that great county, and of the counties adjacent, resorted to him, and many persons of condition from London,[d] and those parts, who had not the courage to attend upon him at Whitehall; so that the court appeared with some lustre. And now he begun[e] to think of executing some of those resolutions, which he had made with the queen before her departure; one of which was, and to be first done, the removing the earls of Essex and Holland from their offices in the court, the one of chamberlain, the other of groom of the stole, which hath the reputation and benefit of being first gentleman of the bedchamber. Indeed no man could speak in the justification of either of them, yet no man thought them equally[f] culpable. The earl of Holland was a person merely of the king's and his father's[g] creation; raised from the condition of a private gentleman, a younger brother of an extrac-

[d] The king—London,] *Thus in MS.*: When the king came to York, he found himself at ease; the country had received him with great expressions of joy and duty, and all persons of quality from London, &c.

[e] begun] began

[f] equally] both equally

[g] and his father's] *Not in MS.*

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tion that lay under a great blemish, and without any fortune, to a great height by their [h] mere favour and bounty. And they [i] had not only adorned him with titles, honours, and offices, but enabled him to support those in the highest lustre, and with the largest expense: and this king [k] had drawn many inconveniences, and great disadvantages, upon himself and his service, by his preferring him to some trusts, which others did not only think themselves, but really were, worthier of; but especially by indulging him so far in the rigorous execution of his office of chief justice in eyre, in which he brought more prejudice upon the court, and more discontent upon the king, from the most considerable part of the nobility and gentry in England, than proceeded from [l] any one action, that had its rise from the king's will and pleasure, though it was not without some warrant from law; but [m] having not been practised for [n] some hundreds of years, was looked upon as a terrible innovation and exaction upon persons, who knew not that they were in any fault; nor was any imputed to them, but the original sin of their forefathers, even for which they were obliged to pay great penalties and ransoms. That such a servant should suffer his zeal to lessen and decay towards such a master, and that he should keep a title to lodge in his bedchamber, from whose court he had upon the matter withdrawn himself, and adhered to and assisted those who affronted and contemned his majesty so notoriously, would admit of no manner of interposition and excuse.

[h] their] the king's
[i] And they] And he
[k] this king] *Not in MS.*
[l] proceeded from] *Not in MS.*
[m] but] which
[n] for] in

Less was to be objected against the earl of Essex, who, as he had been, all his life, without obligations from the court, and believed he had undergone oppression there, so he was, in all respects, the same man he had always professed himself to be, when the king put him into that office; and in receiving of which, many men believed, that he rather gratified the king, than that his majesty had obliged him in conferring it; and it had been, no doubt, the chief reason of putting the staff in his hand, because in that conjuncture no other man, who would in any degree have appeared worthy of it, had the courage to receive it. However having taken the charge upon him, he ought, no doubt, to have taken all his master's concernments more to heart, than he had done; and he can never be excused for staying in Whitehall, when the king was with that outrage driven from thence, and for choosing to behold the triumph of the members' return to Westminster, rather than to attend his majesty's person in so great perplexity to Hampton-court; which had been his duty to have done, and for failing wherein no other excuse can be made, but that, after he had taken so full a resolution to have waited upon his majesty thither, that he had dressed himself in his travelling habit, he was diverted from it by the earl of Holland, who ought to have accompanied him in the service, and by his averment, "that if he went, "he should be assassinated;" which it was not possible should have ever been so much as thought of[o].

Notwithstanding all this, the persons trusted by

[o] which it was not possible should have ever been so much as thought of.] which was never thought of.

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his majesty, and remaining at London, had no sooner notice of it, (which his majesty sent to them, that he might be advised the best way of doing it,) but they did all they could to dissuade the pursuing it. They did not think it a good conjuncture to make those two persons [p] desperate; and they knew that they were not of the temper and inclinations of those, who had too much credit with them, nor did desire to drive things to the utmost extremities, which could never better their conditions; and that they did both rather desire to find any expedients, by which they might make a safe and an honourable retreat, than to advance in the way they were engaged in [q]. But the argument they chiefly insisted on to the king, was, "that, being deprived of "their offices, they would be able to do more mis-"chief, and ready to embark themselves with the "most desperate persons, in the most desperate at-"tempts;" which fell out accordingly. And there is great reason to believe, that if that resolution the king had taken had not been too obstinately pursued at that time, many of the mischiefs, which afterwards fell out, would have been prevented; and, without doubt, if the staff had remained still in the hands of the earl of Essex, by which he was charged with the defence and security of the king's person, he would never have been prevailed with to have taken upon him the command of that army, which was afterwards raised against the king, and with which so many battles were fought. And there can be as little doubt in any man, who knew well the nature and temper of that time, that it had

[p] persons] *Not in MS.* [q] in] *Not in MS.*

been very difficult, if not[r] utterly impossible, for the two houses of parliament to have raised an army then, if the earl of Essex had not consented to be general of that army.

But the king was inexorable in the point; he was obliged by promise to the queen at parting, which he would not break; and her majesty had contracted so great an indignation against the earl of Holland, whose ingratitude indeed towards her was very odious, that she had said, "she would "never live in the court, if he kept his place." And so the king sent an order to Littleton, the[s] lord keeper of the great seal, "that he should require "the staff and key from the one and the other, and "receive them into his custody." The keeper trembled at the office, and had not courage to undertake it. He went presently to the lord Falkland, and[t] desired him to assist him in making his excuse to the king. He made many professions of his duty to the king, "who, he hoped, would not command "him in an affair so unsuitable to the office he held "under him; that no keeper had been[u] employed "in such a service; that if he should execute the "order he had received, it would in the first place "be voted a breach of privilege in him, being a "peer; and the house would commit him to prison, "by which the king would receive the greatest af-"front, though he should be ruined; whereas the "thing itself might be done by a more proper of-"ficer, without any inconvenience."

How weak soever the reasons were, the passion

[r] very difficult, if not] *Not in MS.*

[s] the] then

[t] and] *Not in MS.*

[u] had been] had ever been

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was strong; and the lord Falkland could not refuse to convey his letter to the king, which contained his answer in his own words, with all the imaginable professions of duty and zeal for his service. How ill soever his majesty was satisfied, he saw the business would not be done that way; and therefore he writ immediately a letter, all in his own hand, to the lord Falkland; in which with some gracious expressions of excuse for putting that work upon him, he commanded him "to require the surrender of the ensigns of their offices from those "two earls." The lord Falkland was a little troubled in receiving the command: they were persons from whom he had always received great civilities, and with whom he had much credit; and this harsh office might have been more naturally, and as effectually, performed by a gentleman usher, as the same staff had been demanded before from the earl of Pembroke, within less than a year. However, he would make no excuse, being a very punctual and exact person in the performances[x] of his duty; and so went to both of them, and met them coming to the house, and imparted his message to them: they desired him very civilly, "that he would give "them leave to confer a little together, and they "would, within half an hour, send for him into the "house of commons:" whither he went, and they, within less time, sent to him to meet them in sir Thomas Cotton's garden, (a place adjacent, where the members of both houses used frequently to walk,) and there, with very few words, they delivered the staff and the key into his hands, who im-

[x] performances] performance

mediately carried them to his lodging; and they went up to the house of peers: and presently[y] both houses took notice of it, and with passion, and bitter expressions against the evil counsellors, who had given his majesty that counsel, they concurred in a vote, "that whosoever presumed to accept of either "of those offices, should be reputed an enemy to his "country;" and then they proceeded with more impetuosity in the business of the militia, and all other matters which most trenched upon the king's authority.

Whilst they were so eager in pursuit of the militia, and pretended the necessity so imminent, that they could not defer the disposition thereof till it might be formally and regularly settled by bill, they had their eye upon another militia, the royal navy; without recovering of which to their own power, (though they were satisfied by the pulse of the people, that they would join with them, and be generally obedient to their commands,) they had no mind to venture upon the execution of their land ordinance. And therefore, in the beginning of the spring, when the fleet for that year was provided, after they had[z] excepted against such persons to be captains of ships, as they thought not devoted to them, (as is before mentioned,) they sent a formal message to the lords, "that the earl of Northumber-"land, lord admiral, might be moved to constitute "the earl of Warwick his admiral of the fleet for "that year's service, being a person of such honour "and experience, as they might safely confide in "him; and that the earl of Warwick might be de-

[y] presently] immediately

[z] had] *Not in MS.*

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"sired to undertake that service." The lords thought fit that the king's approbation might be first desired, before it was recommended to the earl of Northumberland: but the commons thought that superfluous, since the officers of the fleet were absolutely in the earl's disposal;[a] and therefore refused to send to the king, but of themselves sent to both the one earl and the other; and the earl of Warwick, being well pleased with the trust, very frankly, without waiting the king's consent, declared, "that he was ready "to undertake the employment." But this being so publicly agitated, the king could not but take notice of it; and finding that the business should not be proposed to him, thought it necessary to signify his pleasure in it, that so at least the lord admiral might not pretend innocence, if ought should be done to his disservice; and therefore he appointed Mr. Secretary Nicholas to write to the earl of Northumberland, "that his majesty expected that sir "John Pennington should command that fleet, as "he had done two or three years before." This letter being communicated to both houses, and the lord admiral being thereby upon the disadvantage of a single contest with the king, the house of commons, rather out of kindness and respect to the earl, than of duty to the king, condescended to join with the lords in a message to his majesty;[b] which they sent not by members of their own, but directed the lord keeper "to inclose it in a letter to the secretary at-"tending the king, and to send the same to York;" which he did accordingly. The message was:

[a] since the officers of the fleet were absolutely in the earl's disposal;] since it was absolutely in the earl's disposal to dispose of the officers of the fleet;

[b] his majesty;] the king;

A message from both houses to the king, March 28, 1642.

" That the lords and commons, in this present " parliament assembled, having found it necessary " to provide, and set to sea, a strong and powerful " navy for the defence of this kingdom against fo- " reign force, and for the security of his majesty's " other dominions, the charge whereof was to be " borne by the commonwealth: and taking notice of " the indisposition of the lord admiral, which dis- " abled him, at that time, for commanding the fleet " in his own person, did thereupon recommend unto " his lordship the earl of Warwick, a person of such " quality and abilities, as[c] in whom they might best " confide, to supply his lordship's room for this em- " ployment: and understanding that his majesty " hath since signified his pleasure concerning that " command for John Pennington, they said, they " did hold it their duty to represent to his majesty " the great danger and mischief the commonwealth " was like to sustain by such interruption; and there- " fore did humbly beseech his majesty, that the noble " person, recommended by both houses of parliament " for this service, might be no longer[d] detained from " it, out of any particular respect to any other person " whatsoever."

The king's answer.

The same day that this message came to his majesty, he despatched an answer to the lord keeper; in which he told him, " that he wondered both at the " form and matter of that inclosed paper he had sent " to him, in the name of both houses of parliament; " it being neither by the way of petition, declara- " tion, or letter; and for the matter, he believed, it " was the first time, that the houses of parliament

[c] as] *Not in MS.*

[d] be no longer] no longer be

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"had taken upon them the nomination, or recommendation of the chief sea-commander: but it added to the wonder, that sir John Pennington being already appointed by him for that service, upon the recommendation of his admiral, and no fault so much as alleged against him, another should be recommended to him. Therefore, he said, his resolution upon that point was, that he would not alter him, whom he had already appointed to command that year's fleet; whose every ways sufficiency was so universally known, the which he was confident his admiral, if there should be occasion, would make most evident; against whose testimony he supposed his parliament would not except. And though there were yet none appointed, or the said sir John, through some accident, not able to perform the service; yet, he said, the men of that profession were so well known to him, besides many other reasons, that (his admiral excepted, because of his place) recommendations of that kind would not be acceptable to him."

This answer was no other than they expected, though they seemed troubled at it, and pretended that they had many things of misdemeanour to object against sir John Pennington, at least such matters as would render him incapable of that trust; the greatest of which was, that he had conveyed the lord Digby over sea; though they well knew (as is before mentioned) that he had the king's warrant and command for that purpose; and therefore moved the lords that he might be sent for to be examined upon many particulars: and in the mean time, whilst they caused him to attend their leisure to be examined, they proceeded in hastening the earl of War-

wick to make himself ready for the service, who made no scruple of undertaking it; and the earl of Northumberland receiving the order, and desire of both houses, "to grant his commission to him to be "admiral of that fleet," thought himself sufficiently excused towards the king, and did it accordingly; the two houses in the mean time, without any further thought of procuring the king's consent, preparing reasons to satisfy his majesty for the necessity or conveniency of their proceeding. BOOK V. 1642.

Many men, especially they who at a distance observed and discerned the difficulties the king was like to encounter, wondered that upon so apparent a breach of trust, and act of undutifulness, his majesty did not at that time revoke the lord admiral's commission, which was but during pleasure; and so put that sure guard of the kingdom, his navy, under such a command as he might depend upon. But the truth is, it was not then counsellable; for (besides that it was easier to resolve, "that it was fit to remove the "earl of Northumberland," than to find a man competent for the place) that way it might have been possible to have prevented the going out of any fleet to sea, which would have confirmed the frantic jealousies of bringing in foreign forces: but[e] not have reduced it to his own obedience.

They had, by degrees, so ordered the collection of tonnage and poundage, by passing bills for six weeks and two months at a time, and putting those, who should receive or pay those duties, otherwise than they were granted by those bills, into a *præmunire*; and so terrified the old customers, that the king had

[e] but] *Not in MS.*

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no other means of setting out his fleet, than by the monies arising by the customs, which they absolutely disposed of; and at this time had contracted with the victualler, made the ships ready, and hired many merchants' ships to join in that fleet for the guard of the seas. And whilst this matter of the admiral was in suspense, they suffered the former bill of tonnage and poundage to expire, and did not, till the very night before, pass a new bill; which could not have the royal assent till many days after, the king being then at York. Yet the house of commons, to salve all danger of the *præmunire*, on the twenty-fourth of March, being the very day that the former bill expired, sent an order to all the collectors of the customs, many of which could not receive it in ten days after;

"That the new bill being passed by both houses "for the continuance of those payments until the "third day of May, (which could not yet receive "the royal assent, in regard of the remoteness of "his majesty's person from the parliament,) which "monies to be collected by that bill were to be em- "ployed in[f] the necessary guarding of the seas, and "defence of the commonwealth: it was therefore "ordered by the commons in parliament, that the "several officers belonging to the custom-house, both "in the port in London, and the out-ports, should "not permit any merchant or other to lade or un- "lade any goods, or merchandises, before such per- "sons do make[g] due entries thereof in the custom- "house. And it was declared also by the said com- "mons, that such officers, upon the respective entry

[f] in] for [g] make] first make

" made by any merchant as aforesaid, should inti- 1642.
" mate to such merchant, that it was the advice of
" the commons, for the better ease of the said mer-
" chants, and in regard the respective duties would
" relate, and become due as from that day; that the
" said merchants upon entry of their goods, as usually
" they did, when a law was in force to that purpose,
" would deposit so much money as the several cus-
" toms would amount unto, in the hands of such
" officers, to be by them accounted to his majesty,
" as the respective customs due by the said bill,
" when the said bill should have the royal assent; or
" otherwise, his majesty refusing the passing thereof,
" the said monies to be restored, upon demand, unto
" the several merchants respectively."

By which order, which was a more absolute dispensation for a *præmunire*, than ever any *non-obstante* granted by the crown, the customs were as frankly and fully paid, as if an act of parliament had been passed to that purpose; and as soon as the commission could be sent, and returned from York, the act was passed. But no doubt they had a further design in suffering the bill totally to expire, before they prepared a new one[h], than at that time was apprehended; and intended, under such a popular necessity, which seemed to be occasioned by the king's absence, to bring their own orders in such a[i] reputation, that in another necessity which they should declare, they might by the precedent of this, which was the only indemnity all those merchants who paid, and the officers who received, customs, had for the preservation of their estates, be currently and absolutely obeyed and submitted to.

[h] one] *Not in MS.* [i] a] *Not in MS.*

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By this it appears the king could not at that time, with conveniency or safety to his affairs, displace the earl of Northumberland; and he believed, if his occasions should hereafter require it, that the time would be much more seasonable, when the fleet was at sea; and the thing itself more practicable: which was a true conclusion. However, he expressed so much dislike against the earl of Warwick's commanding that fleet, that he was not willing that any officers whom he valued should take employment under him; which he had shortly after cause to repent. For, by this means, the vice-admiralty, which was designed to captain Cartwright, the comptroller of the navy, who hath since sufficiently testified how advantageously to his majesty he would have managed that charge, upon his refusal (which was occasioned by intimation from his majesty, as shall be hereafter mentioned) was conferred upon Batten, an obscure fellow; and, though a good seaman, unknown to the navy, till he was, two or three years before, for money, made surveyor, who executed it ever since with great animosity against the king's service, of which more hereafter.

Being, by this means, secure at sea, they proceeded with more vigour at land; and, though they thought it not yet seasonable to execute their ordinance for the militia with any form and pomp, they directed, underhand, their agents and emissaries, "that the people, of themselves, should choose cap-"tains and officers, and train under the name of "volunteers;" which begun[k] to be practised in many places of the kingdom, but only in those corporations, and by those inferior people, who were noto-

[k] begun] began

rious for faction and schism in religion. The king's declarations, which were now carefully published, gave them some trouble, and made great impression in sober men, who were moved with the reason, and in rich men, who were startled at the commands in them. But that clause in the king's answer to their declaration, presented to him at Newmarket, in which he told them, "that if they had not been informed "of the seditious words used in, and the circum- "stances of the tumults, and would appoint some "way for the examination of them, that he would "require some of his learned council to attend with "such evidence as might satisfy them," troubled them much more. For if there were still so much courage left in the king's council, that they durst appear to inform against any of those proceedings, which they favoured, they should find men grow more afraid of the law than of them; which would destroy all their designs. Therefore they resolved to proceed with all expedition, and severely,[l] against the attorney general for his trespass and presumption upon their privileges, in the accusation of the five members, and the lord Kimbolton: of the circumstances of which proceeding, and judgment thereupon, being as extraordinary, and as distant from the rules of justice, at least of practice, as any thing that then happened, it will not be amiss to set down two or three particulars.

Shortly after they had impeached him, (which is mentioned before,) and the king had found it necessary to give over any prosecution against the others,[m] his majesty being desirous, now he had freed them, that they should free his attorney, writ a letter from

[l] severely,] severity,

[m] the others,] them,

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Royston, when he was in his way to York, to the lord keeper; in which he told him, "that the articles, which had been preferred against the members, were,[n] by himself, delivered to his attorney general, engrossed in paper; and that he had then commanded him to accuse those persons, upon those articles of high treason, and other misdemeanours; and, in his name, to desire a committee of lords might be appointed to take the examination[o] of such witnesses as should be produced, as formerly had been done in cases of like nature, according to the justice of the house. And his majesty did further declare, that his said attorney did not advise or contrive the said articles, nor had any thing to do with, or in advising, any breach of privilege that followed after. And for what he did in obedience to his commands, he conceived he was bound by oath, and the duty of his place, and by the trust reposed in him by his majesty, so to do: and that, if he had refused to obey his majesty therein, his majesty would have questioned him for breach of oath, duty, and trust; but now having declared that he found cause wholly to desist from proceeding against the persons accused, he had commanded him to proceed no further therein, nor to produce nor discover[p] any proof concerning the same."

Though this testimony of his majesty's clearly absolved him from the guilt, with which he was charged, yet it rather hastened the trial, and sharpened the edge, that was before keen enough against

[n] were,] was,
[o] examination] examinations
[p] discover] to discover

him; and the day of trial being come, when the members of the commons, who were appointed for the prosecution, found that council was ready (which had been assigned by the lords) for the defence of the attorney general, they professed, "that they "would admit no council; that it was below the "dignity of the house of commons to plead against "fee'd council; that whoever presumed to be of "council with a person accused by the commons of "England, should be taught better to know his "duty, and should have cause to repent it." The lords seemed much moved with this reproach, that their acts of judicature should be questioned, and the council, which had been justly and regularly assigned by them, should be threatened for submitting to their order. But that which troubled them most, was, that the council, which was assigned by them, upon this reprehension and threat of the commons, positively refused to meddle further in the business, or to make any defence for the attorney. Hereupon they put off the trial, and commit to the Tower of London sir Thomas Bedingfield, and sir Thomas Gardiner, for their contempt in refusing to be of council with the attorney upon their assignment: standers by looking upon the justice of parliament with less reverence, to see the subject, between the contradictory and opposite commands of both houses, (the displeasure of either being insupportable,) punished and imprisoned for doing,[q] by one, what[r] he was straitly inhibited from doing by the other.[s]

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However, this difference gave only respite for some days to the attorney, who was quickly again

[q] for doing,] for not doing
[r] what] which
[s] from doing by the other.] by the other not to do.

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called before his judges. To what was passionately and unreasonably objected against him, "of breach "of privilege and scandal," he confidently alleged "the duty of his place; that his master's command "was warrant for what he had done; and that he "had been justly punishable, if he had refused to do "it when commanded; that there had never been a "pretence of privilege in case of treason, the con- "trary whereof was not only understood by the law, "but had been by themselves confessed, in a peti- "tion delivered by them in the beginning of this "king's reign, upon the imprisonment of the earl of "Arundel; in which it was acknowledged, that the "privileges[t] of parliament extended not to treason, "felony, or refusal to find sureties for the peace; "that he had no reason to suspect the executing the "duty of his place would have been imputed to him "for any trespass, since the very same thing he had "now done, and of which he stood accused, was "done, in the first year of this king's reign, by sir "Robert Heath, the then attorney general; who ex- "hibited articles of high treason before their lord- "ships, against the earl of Bristol, which was not "then understood to be any breach of privilege; "and therefore, having so late a precedent, most of "their lordships being then judges, he hoped he "should be held excusable for not being able to "discern that to be a crime, which they had yet "never declared to be so." The undeniable reasons of his defence (against which nothing was replied, "but the inconvenience and mischief, which would "attend a parliament, if the members might be ac-

[t] privileges] privilege

"cused of high treason without their consent") prevailed so far with the major part of the house of peers, though the prosecution was carried on[u] with all imaginable sharpness and vehemence by the house of commons, and entertained by those peers who were of that party, as a matter of vast concernment to all their hopes, that the questions being put, whether he should be deprived of his place of attorney? whether he should be fined to the king? whether he should pay damages to the persons accused? and whether he should be committed to the Tower? which were the several parts of the sentence, which many of the lords had pressed he should undergo,[x] the negative prevailed in every one of the particulars; so that the attorney was understood by all men, who understood the rules and practice of parliament, to be absolutely absolved from that charge and impeachment, by the judgment of the house of peers.

The house of commons expressed all possible resentment, and declared, "that they would not rest "satisfied with the judgment;" and some lords, even of those who had acquitted him, were very desirous to find out an expedient, whereby the house of commons might be compounded with; and it was believed, that the attorney himself was much shaken with the torrent of malice and prejudice, which the house of commons seemed now to threaten him with; conceiving, "that he and his office now triumphed "over the whole body, and not over six members "only:" and therefore, after some days, the house of peers considering, "that his discharge was but

[u] carried on] *Not in MS.*

[x] had pressed he should undergo,] had judged him to undergo,

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" negative, that he should not be punished in this " and that degree; and that he had no absolution " from the crimes,[y] with which he was charged," proceeded to a new judgment, (contrary to all course and practice of parliament, or of any judicial court, and complying with all their other votes, resolved, by way of judgment upon him, " that he should be " disabled from ever being a parliament man; in- " capable of any place of judicature, or other pre- " ferment, than of attorney general;" which they could not deprive him of, by reason of the former vote; and " that he should be committed to the " prison of the Fleet." Which sentence was with all formality pronounced against him, and he committed to the Fleet accordingly: with which sentence the commons were no more satisfied[z] than with the former; some of them looking that their favourite, the solicitor, should have the place of attorney; others, that the accused members should receive ample damages by way of reparation; without which they could not think themselves secure from the like attempts.

Having, by this extraordinary and exemplary proceeding, fortified their privileges against such attempts, and secured their persons from being accused, or proceeded against by law, they used no less severity against all those who presumed to question the justice or prudence of their actions, especially against those, who, following the method that had done so much hurt, drew the people to petition for that which they had no mind to grant; and in

[y] crimes,] crime,

[z] with which sentence the commons were no more satisfied] the which the commons was no more satisfied with

this prosecution they were not less severe and vehement, than against the highest treason could be imagined.

Upon the petition mentioned before, that was framed in London against their settling the militia, they committed one George Binion, a citizen of great reputation for wealth and wisdom, and who[a] was indeed a very sober man. After he had lain some time in prison, the lords, according to law, bailed him; but the commons caused him the next day to be recommitted, and preferred an impeachment against him, for no other crime but "advising "and contriving that petition." The gentleman defended himself, "that it was always held, and so "publicly declared this parliament, to be lawful, in "a modest way, to petition for the removal or pre-"vention of any grievance: that observing[b] very "many petitions to be delivered, and received, for "the settling the militia in another way than was "then agreeable to the law, or had been practised, "and conceiving that the same would prove very "prejudicial to the city of London, of which he was "a member, he had joined with many other citi-"zens, of known ability and integrity, in a petition "against so great an inconvenience; which he pre-"sumed was lawful for him to do." How reasonable soever this defence was, the house of peers adjudged him "to be disfranchised, and incapable of "any office in the city; to be committed to the "common gaol of Colchester," (for his reputation was so great in London, that they would not trust him in a city prison,) and fined him three thousand pounds.

[a] who] *Not in MS.* [b] observing] he observing

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About the same time, at the general assizes in Kent, the justices of peace, and principal gentlemen of that county, prepared a petition to be presented to the two houses, with a desire, "that the militia "might not be otherwise exercised in that county, "than the known law permitted: and that the Book "of Common-Prayer, established by law, might be "observed." This petition was communicated by many to their friends, and copies thereof sent abroad, before the subscription was ready; whereupon the house of peers took notice of it, as tending to some commotion in Kent; and, in the debate, the earl of Bristol taking notice, "that he had seen a copy of "it, and had had some conference about it with "judge Mallet," who was then judge of assize in Kent, and newly returned out of his circuit, both the earl and judge, for having but seen the petition, were presently committed to the Tower; and a declaration published, "that none should presume to "deliver that, or the like petition to either house." Notwithstanding which, some gentlemen of Kent, with a great number of the substantial inhabitants of that county, came to the city; which, upon the alarum, was put in arms; strong guards placed at London-bridge, where the petitioners were disarmed, and only some few suffered to pass with their petition to Westminster; the rest forced to return to their country. And, upon the delivery thereof to the house of commons, (though the same was very modest, and in a more dutiful dialect than most petitions delivered to them,) the bringers of the petition were sharply reprehended; two or three of them committed to several prisons; the principal gentlemen of the country, who had subscribed and advised

it, sent for as delinquents; charges,[c] and articles of impeachment, drawn up against them; and a declaration published, "that whosoever should hence-"forth advise or contrive the like petitions, should "be proceeded against, as enemies to the common-"wealth." So unlike and different were their tempers, and reception of those modest addresses, which were for duty and obedience to the laws established, and those which pressed and brought on alteration and innovation. But that injustice gave great life and encouragement to their own proselytes; and taught others to know that their being innocent would not be long easy or safe: and this kind of justice extended itself in the same measure to their own members, who opposed their irregular determinations; who, besides the agony and vexation of having the most plain[d] reason, and confessed law, rejected, and overruled with contempt and noise, were liable to all the personal reproaches and discountenance, that the pride and petulancy of the other party could lay upon them; and were sometimes imprisoned and disgraced, for freely speaking their opinions and conscience in debate.

All sorts of men being thus terrified, the commons remembered, that a great magazine of the king's ammunition lay still at Hull; and though that town was in the custody of a confident of their own, yet they were not willing to venture so great a treasure so near the king, who continued at York, with a great resort of persons of honour and quality from all parts; and therefore they resolved, under pretence of supplying Ireland, to remove it speedily

[c] charges,] and charges,

[d] plain] abstract

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from thence; and[e] moved the lords, "to join with "them in an order to that purpose." The lords, who proceeded with less fury, and more formality, desired, "that it might be done with the king's con- "sent." After a long debate, the one thinking they merited much by that civility, the other contented to gratify those in the ceremony, who, they knew, would in the end concur with them, a petition was agreed upon to be sent to his majesty; in which, that he might the sooner yield to them in this matter, they resolved to remember him of that, which, they thought, would reflect on him with the people, and to "move him to take off the reprieve from the "six priests," which is before mentioned. And so they sent their petition to him, telling him, "that "they found the stores of arms and ammunition in "the Tower of London much diminished; and that "the necessity for supply of his kingdom of Ireland "(for which they had been issued from thence) daily "increased; and that the occasion, for which the "magazine was placed at Hull, was now taken "away; and considering it would be kept at Lon- "don with less charge, and more safety, and trans- "ported thence with much more convenience for "the service of the kingdom of Ireland; they there- "fore humbly prayed, that his majesty would be gra- "ciously pleased to give leave, that the said arms, "cannon, and ammunition, now in the magazine of "Hull, might be removed to the Tower of London, "according as should be directed by both his houses "of parliament. And whereas six priests, then in "Newgate, were condemned to die, and by his ma-

A petition from the two houses to remove the magazine from Hull.

[e] and] and to that purpose

"jesty had been reprieved, they humbly prayed his "majesty to be pleased, that the said reprieves might "be taken off, and the priests executed according "to law."* To which petition his majesty immediately returned answer in these words:

His majesty's answer.

"We rather[f] expected, and have done long,[g] that "you should have given us an account, why a garrison hath been placed in our town of Hull, without our consent, and soldiers billeted there against "law, and express words of the Petition of Right, "than to be moved, for the avoiding of a needless "charge you have put upon yourselves, to give our "consent for the removal of our magazine and munition, our own proper goods, upon such general "reasons as indeed give no satisfaction to our judgment: and since you have made the business of "Hull your argument, we would gladly be informed, "why our own inclination, on the general rumour "of the designs of papists in the northern parts, was "not thought sufficient ground for us to put a person of honour, fortune, and unblemished reputation, into a town and fort of our own, where our "own magazine lay: and yet the same rumour be "warrant enough for you to commit the same town "and fort, without our consent, to the hands of sir "John Hotham, with a power unagreeable to the "law of the land, or the liberty of the subject.

"And yet of this, in point of right, or privilege, "for sure we are not without privilege too, we have "not all this while complained: and being confident "that the place, whatsoever discourse there is of

[f] We rather] *This answer is in the handwriting of lord Clarendon's secretary.*

[g] done long,] done so long,

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" public or private instructions to the contrary, shall " be speedily given up, if we shall require it, we shall " be contented to dispose our munition there, as we " have done in other places, for the public ease and " benefit, as, upon particular advice, we shall find " convenient; though we cannot think it fit, or con- " sent, that the whole magazine be removed toge- " ther. But when you shall agree upon such pro- " portions, as shall be held necessary for any parti- " cular service, we shall sign such warrants as shall " be agreeable to wisdom and reason; and if any " of them be designed for Ulster, or Lemster, [h] you " know well the conveyance will be more easy and " convenient from the place they are now in. Yet we " must tell you, that if the fears are so great from " the papists at home, or of foreign force, as is pre- " tended, it seems strange that you make not provi- " sion of arms and munition for defence of this king- " dom, rather than seek to carry any more from " hence, without some course taken for supply; espe- " cially, if you remember your engagement to our " Scots [i] subjects, for that proportion of arms which " is contained in your treaty. We speak not this, as " not thinking the sending of arms to Ireland very " necessary, but only for the way of the provision. " For you know what great quantities we have as- " signed out of our several stores, which, in due " time, we hope, you will see replenished. For the " charge of looking to the magazine at Hull, as it " was undertaken voluntarily by you at first, and, to " say no more, unnecessarily; so you may free our " good people of that charge, and leave it to us to

[h] Lemster,] Leinster, [i] Scots] Scotch

" look to, who are the proper owner of it. And this, " we hope, will give you full satisfaction in this " point, and that ye do not, as you[k] have done in " the business of the militia, send this message out " of compliment and ceremony, resolving to be your " own carvers at last. For we must tell you, if any " attempt shall be made or given in this matter, " without our consent or approbation, we shall esteem " it as an act of violence against us; and declare it " to all the world, as the greatest violation of our " right, and breach of our privilege.

" Concerning the six priests condemned, it is true, " they were reprieved by our warrant, we[l] being in- " formed, that they were, by some restraint, disabled " to take the benefit of our former proclamation: since " that, we have issued out another, for the due exe- " cution of the laws against papists; and have most " solemnly promised, in the word of a king, never to " pardon any priest without your consent, which " shall be found guilty by law; desiring to banish " these, having herewith sent warrant to that pur- " pose, if, upon second thoughts, you do not disap- " prove thereof. But if you think the execution of " these persons so very necessary to the great and " pious work of reformation, we refer it wholly to " you; declaring hereby, that upon such your reso- " lution signified to the ministers of justice our war- " rant for their reprieve is determined, and the law " to have the course. And now let us ask you, (for " we are willing to husband time, and to despatch " as much as may be under one message; God knows " the distractions of this kingdom want a present re-

[k] you] ye

[l] we] *Not in MS.*

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" medy,) will there never be a time to offer to, as " well as to ask of us? We will propose no more " particulars to you, having no luck to please, or to " be understood by you; take your own time for what " concerns our particular: but be sure you have an " early, speedy care of the public; that is, of the " only rule that preserves the public, the law of the " land; preserve the dignity and reverence due to " that. It was well said in a speech, made by a pri- " vate person; it was Mr. Pym's speech against the " earl of Strafford, but published by order of the " house of commons this parliament: the law is that " which puts a difference betwixt good and evil, be- " twixt just and unjust. If you take away the law, " all things will fall into a confusion, every man will " become a law unto himself; which, in the depraved " condition of human nature, must needs produce " many great enormities. Lust will become a law, " and envy will become a law; covetousness and am- " bition will become laws; and what dictates, what " decisions, such laws will produce, may easily be " discerned. So said that gentleman, and much " more, very well, in defence of the law, and against " arbitrary power. It is worth looking over, and " considering: and if the most zealous defence of " the [m] true protestant profession, and the most re- " solved protection of the law, be the most necessary " duty of a prince, we cannot believe this miserable " distance and misunderstanding can be long conti- " nued between us; we having often and earnestly " declared them to be the chiefest desires of our soul, " and the end and rule of all our actions. For Ire-

[m] the] *Not in MS.*

" land, we have sufficiently, and we hope satisfacto-
" rily, expressed to all our good subjects our hearty
" sense of that sad business, in our several messages
" on[n] that argument, but especially in our last of
" the eighth of this month, concerning our resolution
" for that service; for the speedy, honourable, and
" full performance whereof, we conjure you to yield
" all possible assistance and present advice."

This answer was received with the usual circumstances of trouble and discontent, the taxing[o] of evil counsellors and malignant persons about the king: and that clause about the condemned priests exceedingly displeased them; for by the king's reference of the matter entirely to them, he had removed the scandal from himself, and laid it at their doors; and though they were well content, and desirous, that they should have been executed by the king's warrant, for taking off his own reprieve, (whereby they should have made him retract an act of his own mercy, and undeniably within his own power; and thereby have lessened much of the devotion of that people to him, when they should have seen him quit his power of preserving them in the least degree,) yet, for many reasons, they were not willing to take that harsh part upon themselves; and so those condemned priests were no more prosecuted, and were much safer under that reference for their execution, than they could have been, at that time, by a pardon under the great seal of England. For the other part of the answer concerning the magazine, it made no pause with them; but, within few days after, they sent a warrant to their own governor, sir John Ho-

[n] on] in [o] taxing] taxation

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tham, to deliver it; and to their own admiral, the earl of Warwick, to transport it to London; which was, notwithstanding the king's inhibition, done accordingly. But they had at that time another message from the king, which was referred to in the last clause of that answer, and came to their hands some few days before, that gave them some serious trouble and apprehension; the grounds and reasons of which were these:

The king finding that, notwithstanding all the professions and protestations he could make, the business of Ireland was still unreasonably objected to him, as if he were not cordial in the suppressing that rebellion, sent a message to both houses:

His majesty's message to both houses, April 8, 1642, offering to go in person into Ireland.

"That being grieved at the very soul for the calamities of his good subjects of Ireland, and being most tenderly sensible of the false and scandalous reports dispersed amongst the people concerning the rebellion there; which not only wounded his majesty in honour, but likewise greatly retarded the reducing that unhappy kingdom, and multiplied the distractions at home, by weakening the mutual confidence between him and his people: out of his pious zeal to the honour of Almighty God, in establishing the true protestant profession in that kingdom, and his princely care for the good of all his dominions, he had firmly resolved to go with all convenient speed into Ireland, to chastise those wicked and detestable rebels, odious to God and all good men; thereby so to settle the peace of that kingdom, and the security of this, that the very name of fears and jealousies might be no more heard of amongst them.

"And he said, as he doubted not but his parliament

" would cheerfully give all possible assistance to this
" good work, so he required them, and all his loving
" subjects, to believe, that he would, upon those con-
" siderations, as earnestly pursue that design, not
" declining any hazard of his person in performing
" that duty, which he owed to the defence of God's
" true religion, and his distressed subjects, as he un-
" dertook it for those only ends; to the sincerity of
" which profession he called God to witness, with
" this further assurance, that he would never con-
" sent, upon whatsoever pretence, to a toleration of
" the popish profession there, or the abolition of the
" laws now in force against popish recusants in that
" kingdom.

" His majesty further advertised them, that, to-
" wards this work, he intended to raise forthwith,
" by his commissions, [p] in the counties near West
" Chester, a guard for his own person, (when he
" should come into Ireland,) consisting of two thou-
" sand foot, and two hundred horse, which should be
" armed at West Chester, from his magazine at Hull;
" at which time, he said, all the officers and soldiers
" should take the oaths of supremacy and allegiance;
" the charge of raising and paying whereof, he de-
" sired the parliament to add to their former under-
" takings for that war; which he would not only
" well accept, but, if their pay should be found too
" great a burden to his good subjects, he would be
" willing, by the advice of his parliament, to sell, or
" pawn, any of his parks, lands, or houses, towards
" the supplies of the service of Ireland. With the
" addition of these levies to the former of English,

[p] commissions,] commission,

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" and Scots, agreed upon in parliament, he said, he " hoped so to appear in that action, that, by the as- " sistance of Almighty God, that kingdom, in a short " time, might be wholly reduced, and restored to " peace, and some measure of happiness; whereby " he might cheerfully return, to be welcomed home " with the affections and blessings of all his good " English people.

" Towards this good work, he said, as he had " lately made despatches into Scotland, to quicken " the levies there for Ulster, so he heartily wished, " that his parliament would give all possible expedi- " tion to those, which they had resolved for Mun- " ster and Connaught; and hoped the encourage- " ment, which the adventurers, of whose interests he " would be always very careful, would hereby re- " ceive, would raise full sums of money for the doing " thereof. He told them, that out of his earnest de- " sire to remove all occasions, which did unhappily " multiply misunderstandings between him and his " parliament, he had likewise prepared a bill to be " offered to them by his attorney concerning the mi- " litia; whereby he hoped the peace and safety of " the kingdom might be fully secured to the general " satisfaction of all men, without violation of his ma- " jesty's just rights, or prejudice to the liberty of the " subject. If this should be thankfully received, he " said, he should be glad of it; if refused, he must " call God, and all the world, to judge on whose part " the default was; only he required, if the bill should " be approved of, that if any corporation should make " their lawful rights appear, they might be reserved " to them. He said, before he would part from " England, he would take all due care to intrust

" such persons with such authority in his absence, as " he should find to be requisite for the peace and " safety of the kingdom, and the happy progress of " the parliament."

They neither before nor after ever received any message from his majesty, that more discomposed them; and so much the more, because that which gave them most umbrage could not be publicly and safely avowed by them. For though, to those who had a due reverence to the king's person, and an impatient desire, that all misunderstandings might be composed, they urged, " the hazard and danger to " his majesty's person, in such an expedition, and " the increase of jealousies and distractions, that " would ensue in this kingdom by his absence;" and to others, who [q] from the barbarity, inhumanity, and unheard of cruelty, exercised by the rebels in Ireland upon the English protestants, (of which they every day received fresh and bleeding evidence,) had contracted a great animosity against that whole nation, [r] and were persuaded that the work of extirpation was not so difficult as in truth it was; and [s] to the adventurers, who had disbursed great sums of money, and had digested a full assurance of ample recompence, by confiscations and forfeitures; " that by this voy- " age of the king a peace would be in a short time " concluded in that kingdom, to their great disad- " vantage and damage;" yet the true reasons, which surprised and startled them, were, that hereby the managing the war of Ireland would be taken out of their hands; and so, instead of having a nursery for

[q] who] as well those who
[r] that whole nation,] the nation,
[s] and] as

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soldiers of their own, which they might employ as they saw occasion; and a power of raising what money they pleased in this kingdom under that title, which they might dispose, as they found most fit for their affairs; the king would probably in a short time recover one entire kingdom to his obedience, by which he might be able to preserve the peace of the other two. However, working by several [t] impressions upon several [u] affections, they found it no difficult thing to persuade, almost an unanimous, aversion from approving the journey; they who usually opposed their advice not enduring to think of staying in England, where the power, at least for a time, would be in them, whose government, they knew, would be terrible, when his majesty should be in Ireland. Upon this [x] they despatched a magisterial answer to the king, in which they told him:

The answer of both houses to his majesty's message of his going in person into Ireland, April 28, 1642.

"That the lords and commons in parliament had "duly considered the message, received from his ma- "jesty, concerning his purpose of going into Ireland "in his own person to prosecute the war there, with "the bodies of his English subjects, levied, trans- "ported, and maintained at their charge; which he "was pleased to propound to them, not as a matter, "wherein he desired the advice of his parliament, "but as already firmly resolved on, and forthwith to "be put in execution, by granting out commissions "for the levying of two thousand foot, and two hun- "dred horse, for a guard for his person, when he "should come into that kingdom; wherein they said, "they could not but, with all reverence and humili- "ty to his majesty, observe, that he had declined his

[t] several] the several [u] several] the several [x] Upon this] And then

" great council, the parliament, and varied from the " usual course of his royal predecessors; that a bu- " siness of so great importance concerning the peace " and safety of all his subjects, and wherein they " have a special interest, by his majesty's promise, " and by those great sums, which they had dis- " bursed, and for which they stood engaged, should " be concluded, and undertaken, without their ad- " vice; whereupon, they said, they held it their " duty to declare, that if, at that time, his majesty " should go into Ireland, he would very much en- " danger the safety of his royal person and king- " doms, and of all other states professing the pro- " testant religion in Christendom, and make way to " the execution of that cruel and bloody design of " the papists, every where to root out and destroy " the reformed religion; as the Irish papists had " already [y], in a great part, effected in that king- " dom; and, in all likelihood, would quickly be at- " tempted in other places, if the consideration of " the strength and union of the two nations of " England and Scotland did not much hinder and " discourage the execution of any such design. And " that they might manifest to his majesty the dan- " ger and misery, which such a journey and enter- " prise would produce, they presented to his ma- " jesty the reasons of that their humble opinion and " advice:

1. " His royal person would be subject, not only " to the casualty of war, but to secret practices and " conspiracies; especially his majesty continuing his " profession to maintain the protestant religion in

[y] already] *Not in MS.*

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"that kingdom, which the papists were generally "bound by their vow to extirpate.

2. "It would exceedingly encourage the rebels; "who did generally profess and declare, that his "majesty did favour and allow their proceedings, "and that this insurrection was undertaken by the "warrant of his commission; and it would make "good their expectation of great advantage, by his "majesty's presence at that time, of so much dis- "traction in this kingdom, whereby they might "hope the two houses of parliament would be dis- "abled to supply the war there, especially there ap- "pearing less necessity of his majesty's journey at "that time, by reason of the manifold successes, "which God had given against them.

3. "It would much hinder and impair the means "whereby the war was to be supported, and in- "crease the charge of it, and in both these respects "make it more insupportable to the subject; and "this, they said, they could confidently affirm; be- "cause many of the adventurers, who had already "subscribed, did, upon the knowledge of his ma- "jesty's intention, declare their resolution not to "pay in their money; and others, very willing to "have subscribed, do now profess the contrary.

4. "His majesty's absence must necessarily very "much interrupt the proceedings of parliament; "and deprive his subjects of the benefit of those "further acts of grace and justice, which they "should humbly expect from his majesty for the "establishing a perfect union,[z] and mutual confi- "dence between his majesty and his people, and

[z] a perfect union,] of a perfect union,

" procuring and confirming the prosperity and hap-
" piness of both.

5. " It would exceedingly increase the fears and
" jealousies of his people; and render their doubts
" more probable, of some force intended, by some
" evil councils near his majesty, in opposition of the
" parliament, and favour of the malignant party of
" this kingdom.

6. " It would bereave his parliament of that ad-
" vantage, whereby they were induced to undertake
" that war, upon his majesty's promise, that it
" should be managed by their advice; which could
" not be done, if his majesty, contrary to their coun-
" sels, should undertake to order and govern it in
" his own person.

" Upon which, and divers other reasons[a], they
" said, they had resolved, by the full and concur-
" rent agreement of both houses, that they could
" not, with discharge of their duty, consent to any
" levies or raising of soldiers to be made by his ma-
" jesty, for that his intended expedition into Ire-
" land; or to the payment of any army, or soldiers
" there, but such as should be employed and go-
" verned according to their advice and direction:
" and that, if such levies should be made by any
" commission of his majesty's, not agreed to by both
" houses of parliament, they should be forced to in-
" terpret the same to be raised to the terror of his
" people, and disturbance of the public peace; and
" did hold themselves bound, by the laws of the
" kingdom, to apply the authority of parliament to
" suppress the same.

[a] and divers other reasons,] *Not in MS.*

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"And, they said, they did further most humbly "declare, that if his majesty should by ill counsel "be persuaded to go, contrary to that advice of his "parliament, (which they hoped his majesty would "not,) they did not, in that case, hold themselves "bound to submit to any commissioners, which his "majesty should choose; but did resolve to pre- "serve and govern the kingdom, by the counsel "and advice of parliament, for his majesty and his "posterity, according to their allegiance, and the "law of the land: wherefore they did most humbly "pray, and advise his majesty, to desist from that "his intended passage into Ireland, and from all "preparation of men and arms tending thereunto; "and to leave the managing of that war to his "parliament, according to his promise made unto "them, and his commission granted under his great "seal of England, by advice of both houses; in "prosecution whereof, by God's blessing, they had "already made a prosperous entrance, by many de- "feats of the rebels, whereby they were much "weakened and disheartened; and had no probable "means of subsistence, if the proceedings of the "two houses were not interrupted by that inter- "position of his majesty's journey: but they hoped, "upon good grounds, that, within a short time, "without hazard of his person, and so much dan- "gerous confusion in his kingdoms, which must "needs ensue, if he should proceed in that resolu- "tion, they should be enabled fully to vindicate his "majesty's right, and authority in that kingdom; "and punish those horrible, outrageous cruelties, "which had been committed in the murdering and "spoiling so many of his subjects; and to bring

" that realm to such a condition, as might be much " to the advantage of his majesty and the crown, " and the honour of his government, and content- " ment of his people: for the better and more " speedy effecting whereof, they did again renew " their humble desires of his return to his parlia- " ment; and that he would please to reject all " counsels and apprehensions, which might any way " derogate from that faithfulness and allegiance, " which, in truth and sincerity, they had always " borne and professed to his majesty, and should " ever make good, to the uttermost, with their lives " and fortunes."

To[b] this petition (the matter whereof finding a general concurrence, there was the less[c] debate and contradiction upon the manner of expression) being sent to the king to York; and, in the mean time, all preparations being suspended for the necessary relief for Ireland, insomuch as with the votes (which were presently printed) against the king's journey, there was likewise an order printed to discourage the adventurers from bringing in their money; the which, though it had no approbation from either house, and seemed to be angrily interpreted by them, and the printer was ordered to be found out and punished, yet did wholly stop that service; and by the no-inquiry, or punishment of that boldness, appeared to be done by design; his majesty speedily returned this answer:

The king's reply touching his going into Ireland.

" That he was so troubled, and astonished to find " that unexpected reception and misunderstanding " of his message concerning his Irish journey, that

[b] To] *Not in MS.* [c] less] least

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" (being so much disappointed of the approbation " and thanks he looked for to that declaration) he " had great cause to doubt, whether it were in his " power to say or do any thing, which would not " fall within the like interpretation: but he said, as " he had, in that message, called God to witness " the sincerity of the profession of his only ends for " the undertaking that journey; so he must appeal " to all his good subjects, and the whole world, " whether the reasons alleged against that journey " were of weight to satisfy his understanding; or " the counsel, presented to dissuade him from it, " were full of that duty, as was like to prevail over " his affections. For the resolving of so great a " business without the advice of his parliament, he " said, he must remember them [d], how often, by his " message, [c] he made the same offer, if they should " advise him thereunto; to which they never gave " him the least answer; but, in their late declara- " tion, told him, that they were not to be satisfied " with words: so that he had reason to conceive, " they rather avoided, out of regard to his person, " to give him counsel to run that hazard, than that " they disapproved the inclination. And, he asked " them, what greater comfort or security the pro- " testants of Christendom could receive, than by " seeing a protestant king venture, and engage his " person for the defence of that religion, and the " suppression of popery? to which he solemnly pro- " tested, in that message, never to grant a tolera- " tion, upon what pretence soever, or any [f] abolition " of any of the laws there in force against the pro-

[d] them] *Not in MS.* [c] message,] messages, [f] any] an

" fessors of it. And, he said, when he considered
" the great calamities, and unheard of cruelties, his
" poor protestant subjects in that kingdom had un-
" dergone for the space of near, or full six months;
" the growth and increase of the strength of those
" barbarous rebels; and the evident probability of
" foreign supplies, if they were not speedily sup-
" pressed; the very slow succours hitherto sent
" them from hence: that the officers of several regi-
" ments, who had long time been allowed entertain-
" ment from them [g] for that service, had not raised
" any supply or succour for that kingdom; that
" many troops of horse had long lain near Chester
" untransported; that the lord lieutenant of Ire-
" land, on whom he relied principally for the con-
" duct and managing of affairs there, was still in
" this kingdom, notwithstanding his majesty's ear-
" nestness expressed, that he should repair to his
" command: and when he considered the many
" and great scandals raised upon himself by report
" of the rebels, and not sufficiently discountenanced
" here, notwithstanding so many professions of his
" majesty; and had seen a book, lately printed by
" the order of the house of commons, entitled, A
" Remonstrance of divers remarkable Passages con-
" cerning the Church and Kingdom of Ireland, where-
" in some examinations were set down, (how im-
" probable or impossible soever,) which might make
" an impression in the minds of many of his weak
" subjects: and, lastly, when he had duly weighed
" the dishonour that would [h] perpetually lie upon
" this kingdom, if full and speedy relief were not

[g] from them] *Not in MS.* [h] that would] which would

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" despatched thither; his majesty could not think of " a better way to discharge his duty to Almighty " God, for the defence of the true protestant reli- " gion, or to manifest his affection to his three " kingdoms, for their preservation, than by engag- " ing his person in that expedition, as many of his " royal progenitors had done, even in foreign parts, " upon causes of less importance and piety, with " great honour to themselves, and advantage to this " kingdom. And therefore he expected at least " thanks for such his inclination.

" For the danger to his person, he said, he con- " ceived it necessary, and worthy of a king, to ad- " venture his life to preserve his kingdoms;[1] nei- " ther could it be imagined, that he would sit still, " and suffer his kingdoms to be lost, and his good " protestant subjects to be massacred, without ex- " posing his own person to the utmost hazard for " their relief and preservation; his life, when it was " most pleasant, being nothing so precious to him, " as it was, and should be, to govern and preserve " his people with honour and justice.

" For any encouragement to the rebels, because " of the reports they raised, he said, he could not " conceive, that the rebels were capable of a greater " terror, than by the presence of their lawful king, " in the head of an army, to chastise them. Be- " sides, it would be an unspeakable advantage to " them, if any report of theirs could hinder him " from doing any thing, which were fit for him to " do, if such report were not raised: that would " quickly teach them, in this jealous age, to pre-

[1] kingdoms;] kingdom;

" vent, by such reports, any other persons coming " against them, whom they had no mind should be " employed.

" He told them, that[k] he marvelled, that the ad- " venturers, whose advantage was a principal mo- " tive (next the reasons before mentioned) to him, " should so much mistake his purpose; whose in- " terest he conceived must be much improved by " the expedition he hoped, by God's blessing, to use " in that service; that being the most probable way " for the speedy conquest of the rebels, their lands " were sufficiently secured by act of parliament.

" He told them, he thought himself not kindly " used, that the addition of so few men to their " levies (for a guard to his person in Ireland) " should be thought fit for their refusal; and much " more, that having used so many cautions in that " message, both in the smallness of the number; in " his having raised none, until their answer; in " their being to be raised only near the place of " shipping; in their being there to be armed, and " that not till they were ready to be shipped; in " the provision, by the oaths, that none of them " should be papists, (all which were sufficient to de- " stroy all grounds of jealousy of any force intended " by them in opposition to the parliament, or favour " to any malignant party,) any suspicion should, " notwithstanding, be grounded upon it.

" Neither, he said, could it be understood, that, " when he recommended the managing of that war " to them, he[l] intended to exclude himself, or not " to be concerned in their counsels, that if he found

[k] that] *Not in MS.*

[l] he] that he

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" any expedient, (which, in his conscience and un-
" derstanding, he thought necessary for that great
" work,) he might not put it in practice. He told
" them, he looked upon them as his great council,
" whose advice he always had, and would, with
" great regard and deliberation, weigh and con-
" sider: but he looked upon himself as neither de-
" prived of his understanding, or divested of any
" right he had, if there were no parliament sitting.
" He said, he called them together by his own writ
" and authority (without which they could not have
" met) to give him faithful counsel about his great
" affairs; but he resigned not up his own interest
" and freedom; he never subjected himself to their
" absolute determination; he had always weighed
" their counsels, as proceeding from a body [m] in-
" trusted by him; and when he had dissented from
" them, he had returned them the reasons, which
" had prevailed with his conscience and under-
" standing, with that candour, which a prince should
" use towards his subjects; and that affection, which
" a father could express to his children. What ap-
" plication had been used to rectify his understand-
" ing by reasons, or what motives had been given
" to persuade his affections, he would leave all the
" world to judge. And then, he said, he must tell
" them, howsoever a major part might bind them in
" matter of opinion, he held himself (and he was
" sure the law and constitution of the kingdom had
" always held the same) as free to dissent, till his
" reason was [n] convinced for the general good, as if
" they had delivered no opinion.

[m] body] council [n] was] were

" For his journey itself, he told them the circum-
" stances of their petition were such, as he knew
" not well what answer to return, or whether he
" were best to give any; that part which pretended
" to carry reason with it did no way satisfy him;
" the other, which was rather reprehension and
" menace, than advice, could not stagger him. His
" answer therefore was, that he should be very glad
" to find the work of Ireland so easy as they seemed
" to think it; which did not so appear by any thing
" known to him, when he sent his message: and
" though he would never refuse, or be unwilling, to
" venture his person for the good and safety of his
" people, he was not so weary of his life, as to ha-
" zard it impertinently; and therefore, since they
" seemed to have received advertisements of some
" late and great successes in that kingdom, he would
" stay some time to see the event of those, and not
" pursue his resolution till he had given them a se-
" cond notice: but, if he found the miserable condi-
" tion of his poor subjects of that kingdom were
" not speedily relieved, he would, with God's assist-
" ance, visit them with such [o] succours as his parti-
" cular credit and interest could supply him with, if
" they refused to join with him. And he doubted
" not but the levies he should make (in which he
" would observe punctually the former, and all other
" cautions, as might best prevent all fears and jea-
" lousies; and to use no power but what was legal)
" would be so much to the satisfaction of his sub-
" jects, as no person would dare presume to resist
" his commands; and if they should, at their peril

[o] such] *Not in MS.*

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" be it[p]. In the mean time, he hoped his forward-
" ness, so remarkable to that service, should be no-
" torious to all the world; and that all scandals,
" laid on him in that business, should be clearly
" wiped away.

" He told them, he had been so careful that his
" journey into Ireland should not interrupt the pro-
" ceedings of parliament, nor deprive his subjects of
" any acts of justice, or further acts of grace, for the
" real benefit of his people, that he had made a free
" offer of leaving such power behind, as should not
" only be necessary for the peace and safety of the
" kingdom, but fully provide for the happy progress
" of the parliament: and therefore he could not but
" wonder, since such power had been always left
" here, by commission, for the government of this
" kingdom, when his progenitors had been out of the
" same, during the sitting of parliaments; and since
" themselves desired that such a power might be left
" here by his majesty, at his last going into Scot-
" land; what law of the land they had now found to
" dispense with them from submitting to such au-
" thority, legally derived from him, in his absence;
" and to enable them to govern the kingdom by their
" own mere authority.

" For his return to London, he said, he had given
" them so full answers in his late declaration, and
" answers that he knew not what to add to[q], if they
" would not provide for his security with them, nor
" agree to remove to another place, where there
" might not be the same danger to his majesty. He
" told them, he expected, that (since he had been

[p] be it] *Not in MS.*

[q] to] *Not in MS.*

" so particular in the causes and grounds of his fears) BOOK V.
" they should have sent him word, that they had
" published such declarations against future tumults 1642.
" and unlawful assemblies, and taken such courses
" for the suppressing seditious pamphlets and ser-
" mons, that his fears of that kind might be laid
" aside, before they should press his return.

" To conclude, he told them, he could wish, that
" they would, with the same strictness and severity,
" weigh and examine their messages and expressions
" to him, as they did those they received from him.
" For he was very confident, that if they examined
" his rights and privileges, by what his predecessors
" had enjoyed; and their own addresses, by the
" usual courses observed by their ancestors; they
" would find many expressions in that petition, war-
" ranted only by their own authority; which indeed
" he forbore to take notice of, or to give answer to,
" lest he should be tempted, in a just indignation,
" to express a greater passion, than he was yet will-
" ing to put on. God in his good time, he hoped,
" would so inform the hearts of all his subjects, that
" he should recover from the mischief and danger of
" that distemper; on whose good pleasure, he said,
" he would wait with all patience and humility."

From[r] this time the purpose was never resumed of his majesty's personal expedition into Ireland, and so they were freed from that apprehension. The truth is, that counsel for his majesty's journey into Ireland was very suddenly taken, and communicated to very few, without consideration of the ob-

[r] From] And from

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jections, that would naturally arise against it; and was rather resolved as a probable stratagem, to compose the two houses to a better temper and sobriety, upon the apprehension of the king's absence from them, and the inconveniences that might thence ensue, than sufficiently considered and digested for execution. For none were more violent against it than they who served the king most faithfully in the houses; who, in the king's absence, and after such a grant of the militia, as was then offered, looked upon themselves as sacrificed to the pride and fury of those, whose inclinations and temper had begot the confusions they complained of. But if it had been so duly weighed and consulted, and men so disposed, that it might have been executed, and the king had[s] taken a fit council and retinue about him, it would at that time have been no hard matter speedily to have reduced Ireland; and, by the reputation and authority of that, the other two kingdoms might have been contained within their proper bounds. But, as it fell out, the overture proved disadvantageous to the king, and gave the other party new cause of triumph, that they had plainly threatened him out of what he pretended to have firmly resolved to do; which disadvantage was improved by the other proposition, that attended it, concerning the militia. For the bill, sent by the king upon that argument, brought the business again into debate; and, though nothing was concluded upon it, the king was a loser by the proposition, though not so much as he feared he should

[s] had] *Not in MS.*

have been, when he saw his journey into Ireland desperate; upon the supposition of which, he had only made that tender.

The bill sent by the king, and preferred to the house of peers, by the attorney general, granted the militia, for one year, to the persons first nominated by the houses in their ordinances[t] to his majesty; and made those persons, in the execution of that trust, subject to the authority of his majesty and the two houses jointly, whilst his majesty was within the kingdom; and, in his absence, of the two houses only. What alterations and amendments they made in it before they returned it again for the royal assent, will best appear by the king's answer, which he sent to them at the time of his refusal to pass it; which was,

His majesty's message to both houses April 28, 1642, concerning his refusal to pass the bill for the militia.

"That he had, with great deliberation and patience, weighed and considered (as it concerned him much to weigh the consequences of every law before he passed it) their bill lately sent to him for the settling the militia; and though it had not been usual to give any reason for the refusal to pass any bill, it being absolutely in his power to pass, or not to[u] pass, any act sent to him, if he conceived it prejudicial to himself, or inconvenient to his subjects, for whom he was trusted, and must one day give an account; yet, in that business of the militia, which, being misunderstood amongst his good subjects, had been used as an argument, as if he were not vigilant enough for the public safety, and lest he should be thought less constant in his resolutions, and that bill to be the same he had sent

[t] ordinances] ordinance [u] to] *Not in MS.*

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" to them, he thought fit to give them, and all the " world, particular satisfaction, why he could not, " ought not, must not pass that bill, being the first " public bill he had refused this parliament: and " therefore, he told them, he must complain, that " having expressed himself so clearly and particu- " larly to them in that point, they should press any " thing upon him, which they could not but foresee " he[x] must refuse; except he departed from those " resolutions, grounded upon so much reason, he had " so earnestly before acquainted them with, and " against which they had not given one argument " to satisfy his judgment.

" He told them, he was pleased they had declined " the unwarrantable course of their ordinance, (to " the which, he was confident, his good subjects " would never have yielded their consent,) and " chosen that only right way of imposing upon the " people, which he would have allowed but for the " reasons following:

" He said, he had refused to consent to their or- " dinance, as for other things, so for that the power " was put into the persons nominated therein by di- " rection of both houses of parliament, excluding his " majesty from any power in the disposition or exe- " cution of it together with them: he had then ad- " vised them, for many reasons, that a bill should be " prepared; and after, in his answer of the 26th of " March to the petition of both houses, he had told " them, if such a bill should be prepared with that " due regard to his majesty, and care of his people, " in the limitation of the power, and other circum-

[x] he] that he

" stances, he should recede from nothing he formerly
" expressed.

" What passed (enough to have discouraged him
" from being further solicitous in that argument)
" after his full and gracious answers, he was content
" to forget. When he resolved on[y] his journey into
" Ireland, so that, by reason of his absence, there
" might be no want of settling that power; besides
" complying with their fears, he sent, together with
" a message of that his purpose, a bill for[z] settling
" the power for a year; hoping in that time to re-
" turn to them, and being sure that, in much less
" time, they might do the business, for which at first
" they seemed to desire this; which was, that they
" might securely consider his message of the 20th
" of January last. By that bill, which he sent, he
" consented to those names they proposed in their
" ordinance, and in the limitation of the power;
" provided, that himself should not be able to exe-
" cute any thing but by their advice; and, when he
" should be out of the kingdom, the sole execution
" to be in them; with many other things, of so arbi-
" trary and uncircumscribed a power, that he should
" not have consented to, but with reference to the
" absence of his own person out of the kingdom;
" and thought it the more sufferable, in respect the
" time was but for a year. Whether that bill, they
" had sent to him to pass, were the same, the world
" would judge.

" He said, they had, by that bill tendered to his
" majesty, without taking notice of him, put the
" power of the whole kingdom, the life and liberties

[y] resolved on] resolved of

[z] for] for the

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" of the subjects of all degrees and qualities, into " the hands of particular men, for two years. He " asked them, if they could imagine he would trust " such an absolute power in the hands of particular " persons, which he had refused to commit to both " houses of parliament? Nay, if the power itself " were not too absolute, too unlimited, to be com- " mitted into any private hands? Whether sir John " Hotham's high insolence shewed him not, what he " might expect from an exorbitant legal power, when " he, by a power not warrantable[a] by law, durst ven- " ture upon a treasonable disobedience? But his " majesty would willingly know, and indeed such " an account in ordinary civility, he said, he might " have expected, why he was, by that act, absolutely " excluded from any power, or authority, in the exe- " cution of the militia. He said, sure their fears " and jealousies were not of such a nature, as were " capable of no other remedy, than by leaving him " no power in a point of the greatest importance; " in which God, and the law, had trusted him solely, " and which he had been contented to share with " them by his own bill, by putting it, and a greater, " into the hands of particular subjects. He asked " them, what all Christian princes would think of " him after he had passed such a bill? How they " would value his sovereignty? And yet, he said, " sure his reputation with foreign princes was some " ground of their security. Nay, he was confident " by that time they had throughly considered the " possible consequence of that bill, upon themselves, " and the rest of his good subjects, they would all

[a] warrantable] warranted

" give him thanks for not consenting to it; finding
" their condition, if it should have passed, would not
" have been so pleasing to them. He told them, he
" hoped that animadversion would be no breach of
" their privileges. In that throng of business and
" distemper of affections, it was possible, second
" thoughts might present somewhat to their con-
" siderations, which escaped them before.

" He remembered them, that he had passed a bill
" this parliament, at their entreaty, concerning the
" captives of Algiers, and waved many objections of
" his own to the contrary, upon information that the
" business had been many months considered by
" them; whether it proved suitable to their inten-
" tions, or whether they had not, by some private
" orders, suspended that act of parliament upon
" view of the mistakes, themselves best knew; as
" likewise, what other great[b] alterations they had
" made upon other bills, passed this session. He
" told them, he could not pass over the putting their
" names out of that bill, whom before they had re-
" commended to him in their ordinance, not think-
" ing fit, it seemed, to trust those who would obey
" no guide but the law of the land, (he imagined
" they would not wish he should in his estimation of
" others follow that their rule,) and the leaving out,
" by special provision, the present lord mayor of
" London, as a person in their disfavour; whereas,
" he said, he must tell them, his demeanour had
" been such, that the city, and the whole kingdom,
" was beholding to him for his example.

" To conclude, he said, he did not find himself

[b] great] *Not in MS.*

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" possessed of such an excess of power, that it was " fit to transfer, or consent it should be in other per- " sons, as was directed by that bill; and therefore " he should rely upon that royal right and jurisdic- " tion, which God and the law had given him, for " the suppressing of rebellion, and resisting foreign " invasion; which had preserved the kingdom in the " time of all his ancestors, and which he doubted " not but he should be able to execute. And, not " more for his own honour and right, than for the " liberty and safety of his people, he could not con- " sent to pass that bill."

Though no sober man could deny the reasonableness of that answer, and that there was indeed so great a difference between the bill sent by his majesty, and that presented to him from the two houses, that it could not soberly be imagined he would consent to it; yet, it had been better for his majesty, that the first overture from himself[c] had never been made; it giving new life, spirit, and hopes to them; and they making the people believe (who understood not the difference, and knew not that the king's pleasure, signified by both houses of parliament, was in effect[d] the pleasure of both houses without the king) that his majesty now refused to consent to what himself had offered and proposed; whilst his own party (for so those begun[e] now to be called, who preserved their duty and allegiance entire) was as much troubled to find so sovereign a power of the crown offered to be parted with to the two houses, as was tendered to them by the king's own bill; and

[c] that the first overture from himself] that that overture

[d] in effect] *Not in MS.*

[e] begun] began

that it was possible for his majesty to recede from his firmest resolves, even in a point that would not naturally admit of the least division or diminution.

The king, being well pleased that he had gone through one of his resolutions, and not much troubled at the anger[f] it had produced, and finding his court full of persons of quality of the country, who[g] made all expressions of affection and duty, which they thought would be most acceptable to him, resolved[h] to undertake another enterprise, which was of more importance, and which in truth was the sole motive of his journey into those parts. The great magazine of arms and ammunition, which was left upon the disbanding the army, remained still at Hull, and was a nobler proportion than remained in the Tower of London, or all other his majesty's stores; and there had been formerly a purpose to have secured the same by the earl of Newcastle's presence there, which had been disappointed, as hath been before mentioned, and sir John Hotham sent thither to look to it; who was now there only with one of the companies of the trained bands: and so the king resolved that he would himself make a journey thither, with his own usual train; and being there, that he would stay there, till he had secured the place to him. This was his purpose; which he concealed to that degree, that very few about him knew any thing of it.

As soon as it was known that his majesty meant to reside in York, it was easily suspected, that he had an eye upon that magazine;[i] and therefore they

[f] anger] anger and trouble
[g] who] which
[h] resolved] he resolved
[i] that magazine;] the magazine;

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made an order in both houses, "That the magazine "should be removed from Hull to the Tower;" and ships were making ready for the transportation; so that his majesty could no longer defer the execution of what he designed.[k] And, being persuaded,[l] by some who believed themselves, that, if he went thither, it would neither be in sir John Hotham's will, nor[m] his power, to keep him out of that town; and that, being possessed of so considerable a port, and of the magazine there,[n] he should find a better temper towards a modest and dutiful treaty; his majesty took the opportunity of a petition presented to him by the gentlemen of Yorkshire, (who in truth[o] were much troubled at the order for removing the magazine from Hull; and were ready to appear in any thing for his service,) in which[p] "they desired "him to cast his eye[q] and thoughts upon the safety

[k] he designed.] *The history is thus continued in MS. B. from which this portion is taken:* And therefore he sent the duke of York, (who came to him few days before from Richmond by his command,) attended only by a few gentlemen and servants, whereof sir Lewis Dives was one, who had much acquaintance with Hotham, to see the town, and without any other pretence. He was received by sir J. Hotham with all respect, and was treated and lodged by him in such a manner as was fit. The next morning the king himself, with a choice number of about twenty or thirty gentlemen, who were appointed to attend by himself, and all others inhibited to go, went from York, and sent word by one of his servants to sir J. Hotham, that his majesty would dine with him that day; with which message he was exceedingly surprised and confounded. The man was of a fearful nature, *p.* 384, *l.* 1.

[l] And, being persuaded,] *This paragraph begins thus in MS. C.* Whilst these things were agitating, the king, who found the resort and affections of the north to be answerable to his expectation, and the principal gentlemen to be inclined very heartily and devoutly to his service, and being persuaded, &c.

[m] nor] or

[n] magazine there,] *MS. adds:* (which the houses had ordered to be speedily sent to London)

[o] in truth] *Not in MS.*

[p] in which] by which

[q] his eye] his eyes

" of his own person, and his princely issue, and that " whole county; a great means whereof, they said, " did consist in the arms and ammunition at Hull, " placed there by his princely care and charge; and " since, upon general apprehensions of dangers from " foreign parts, thought fit to be continued: and they " did very earnestly beseech him, that he would take " such course, that it might still remain there, for " the better securing those, and the rest of the nor- " thern parts." Hereupon [r] he resolved to go thither himself; and, the night before, he sent his son the duke of York, who was lately arrived from Richmond, accompanied with the prince elector, [s] thither, with some other persons of honour; who knew no more, than that it was a journey given to the pleasure and curiosity of the duke. Sir John Hotham received them with that duty and civility that became him. The next morning early, the king took horse from York; and, attended with two or three hundred of his servants, and gentlemen of the country, rode thither; and, when he came within a mile of the town, sent a gentleman to sir John Hotham, " to let him know that the king would that day dine " with him;" with which he was strangely surprised, or seemed to be so. [t]

[r] Hereupon,] *Thus originally in MS.* Hereupon he resolved to go thither himself in person, the which he kept very private till the night before, and then he sent, &c.

[s] the prince elector,] *Originally in MS.* the palsgrave,

[t] *Instead of the ensuing paragraph, which is taken from MS. B. the other MS. is thus continued:* It was then reported, and was afterwards averred by himself to some friends, that he had received the night before advertisement, from a person very near to, and very much trusted by his majesty, of the king's purpose of coming thither, and that there was a resolution of hanging him, or cutting his throat as soon as he was in the

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The man was of a fearful nature, and perplexed understanding, and could better resolve upon deliberation than on a sudden; and many were of opinion, that if he had been prepared dexterously beforehand, and in confidence, he would have conformed to the king's pleasure; for he was master of a noble fortune in land, and rich in money; of a very ancient family, and well allied; his affections to the government very good; and no man less desired to see the nation involved in a civil war, than he: and, when he accepted this employment from the parliament, he never imagined it would engage him in rebellion; but believed, that the king would find it necessary to comply with the advice of his two houses; and that the preserving that magazine from being possessed by him, would likewise prevent any possible rupture into arms. He was now in great confusion; and calling some of the chief magistrates, and other officers, together to consult, they persuaded him, not to suffer the king to enter into the town. And his majesty coming within an hour after his messenger, found the gates shut, and the bridges drawn,[u] and the walls manned; all things being in a readiness for the reception of an enemy. Sir John Hotham himself from the walls, with several professions of duty, and many expressions of fear, telling his majesty, "that he durst not open the gates, being trusted by "the parliament;" the king told him, "that he be-"lieved he had no order from the parliament to shut

town. Whether this or any thing else wrought with him, I know not, but when the king came he found the gates shut, &c. *as in page* 384, *line* 22.

[u] the bridges drawn,] *The continuation of this part of the history, according to MS. B, will be found in the Appendix, L.*

" the gates against him, or to keep him out of the " town." He replied, " that his train was so great, " that if it were admitted, he should not be able to " give a good account of the town." Whereupon the king offered " to enter with twenty horse only, and " that the rest should stay without." The which the other refusing, the king desired him " to come to " him, that he might confer with him, upon his " princely word of safety, and liberty to return." And when he excused himself likewise from that, his majesty told him, " that as this act of his was unparal- " leled, so it would produce some notable effect; that " it was not possible for him to sit down by such an " indignity, but that he would immediately proclaim " him traitor, and proceed against him as such; that " this disobedience of his would probably bring many " miseries upon the kingdom, and much loss of blood; " all which might be prevented, if he performed the " duty of a subject; and therefore advised him to think " sadly of it, and to prevent the necessary growth " of so many calamities, which must lie all upon " his conscience." The gentleman, with much distraction in his looks, talked confusedly of " the trust he " had from the parliament;" then fell on his knees, and wished, " that God would bring confusion upon " him, and his, if he were not a loyal and faithful " subject to his majesty;" but, in conclusion, plainly denied to suffer his majesty to come into the town. Whereupon, the king caused him immediately to be proclaimed a traitor; which the other received with some expressions of undutifulness and contempt. And so the king, after the duke of York, and the [x] prince elector, with their retinue, were come out of the

[x] the] *Not in MS.*

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town, where they were kept some hours, was forced to retire that night to Beverly, four miles from that place; and[y] the next day returned to York, full of trouble and indignation for the affront he had received; which he foresaw would produce a very great deal[z] of mischief.

The king's message to the two houses concerning Hull.

The king sent an express to the two houses with a message, declaring what had passed; and, "that "sir John Hotham had justified his treason and dis- "loyalty, by pretence of an order and trust from "them; which as he could not produce, so, his ma- "jesty was confident, they would not own; but "would be highly sensible of the scandal he had laid "upon them, as well as of his disloyalty to his ma- "jesty. And therefore he demanded justice of them "against him, according to law." The houses had heard before of the king's going out of York thither, and were in terrible apprehension that he had possessed himself of the town; and that sir John Hotham, (for they were not confident of him, as of a man of their own faith,) by promises or menaces, had given up the place to him; and, with this apprehension, they were exceedingly dejected: but when they heard the truth, and found that Hull was still in their hands, they were equally exalted, magnifying their trusty governor's faith, and fidelity against the king. In the mean time, the gentlemen of the north expressed a marvellous sense and passion on his majesty's behalf; and offered to raise the force of the county to take the town by force. But the king chose, for many reasons, to send again to the houses another message, in which he told them,

[y] and] and so [z] a very great deal] a world

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His majesty's second message to the two houses concerning Hull.

"That he was so much concerned in the undutiful "affront (and indignity all his good subjects must "disdain in his behalf) he had received from sir John "Hotham at Hull, that he was impatient till he re- "ceived justice from them; and was compelled to "call again for an answer, being confident, however "they had been so careful, though without his con- "sent, to put a garrison into that his town, to secure "it and his magazine against any attempt of the pa- "pists, that they never intended to dispose and main- "tain it against him, their sovereign. Therefore he "required them forthwith (for the business would "admit no delay) to take[a] some speedy course, that "his said town and magazine might be immediately "delivered up unto him; and that such severe ex- "emplary proceedings should be against those per- "sons, who had offered that insupportable affront "and injury to him, as by the law was provided; "and, till that should be done, he would intend no "business whatsoever, other than the business of "Ireland. For, he said, if he were brought into a "condition so much worse than any of his subjects, "that, whilst they all enjoyed their privileges, and "might not have their possessions disturbed, or their "titles questioned, he only might be spoiled, thrown "out of his towns, and his goods taken from him, it "was time to examine how he had lost those privi- "leges; and to try all possible ways, by the help of "God, the law of the land, and the affection of his "good subjects, to recover them, and to vindicate "himself from those injuries; and, if he should mis- "carry therein, he should be the first prince of this

[a] to take] that they took

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" kingdom, which [b] had done so, having no other " end but to defend the true protestant religion, the " law of the land, and the liberty of the subject; and " he desired God so to deal with him, as he conti- " nued in those resolutions."

Instead of any answer to his majesty upon these two messages, or sadly considering how this breach might be made up, they immediately publish (together with a declaration of their former jealousies of the papists; of the malignant party; of the lord Digby's letter intercepted; of the earl of Newcastle's being sent thither, upon which they had first sent down a governor, and put a garrison into Hull) several votes and resolutions, by which they declared,

" That sir John Hotham had done nothing but " in obedience to the command of both houses of " parliament, and that the declaring of him a traitor, " being a member of the house of commons, was a " high breach of the privilege of parliament, and, " being without due process of law, was against the " liberty of the subject, and against the law of the " land."

And hearing at the same time, that a letter, coming from Hull to them the night after the king's being there, had been intercepted by some of his majesty's servants, they declared, " that all such inter- " cepting of any letters sent to them, was a high " breach of the privilege of parliament, which by the " laws of the kingdom, and the protestation, they " were bound to defend with their lives, and their " fortunes, and to bring the violator thereof to con- " dign punishment." Then they ordered, that the

[b] which] that

sheriffs and justices of the peace of the counties of York and Lincoln, and all others his majesty's officers, should suppress all forces, that should be raised or gathered together in those counties, either to force the town of Hull, or stop the passages to and from the same, or in any other way to disturb the peace of the kingdom. All which votes, orders, and declarations, being printed, and diligently dispersed throughout the kingdom before any address made to his majesty in answer of his messages, and coming to his view, the king published an answer to those votes and declarations, in which he said:

His majesty's answer to the declaration, and votes concerning Hull.

"Since his gracious messages to both houses of "parliament, demanding justice for the high and "unheard of affront offered unto him, at the gates "of Hull, by sir John Hotham, was not thought "worthy of an answer; but that, instead thereof, "they had thought fit, by their printed votes, to "own and avow that unparalleled act to be done in "obedience to the command of both houses of par- "liament, (though at that time he could produce no "such command,) and, with other resolutions against "his proceedings there, to publish a declaration con- "cerning that business, as an appeal to the people, "and as if their intercourse with his majesty, and "for his satisfaction, were now to no more purpose; "though he knew that course of theirs to be very "unsuitable[c] to the modesty and duty of former "times, and unwarrantable by any precedents, but "what themselves had made; yet, he was not un- "willing to join issue with them in that way, and to "let all the world know, how necessary, just, and

[c] unsuitable] unagreeable

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" lawful all his proceedings had been in that point,
" and that the defence of those proceedings was the
" defence of the law of the land, of the liberty, and
" property of the subject; and that by the same rule
" of justice, which was now offered to him, all the
" private interest and title of all his good subjects
" to all their lands and goods was confounded and
" destroyed. He remembered them, that Mr. Pym
" had said in his speech against the earl of Strafford,
" (which was published by order of the commons'
" house,) the law is the safeguard, the custody of all
" private interest; your honours, your lives, your li-
" berties, and estates are all in the keeping of the
" law; without this every man hath a like right to
" any thing. And he said, he would fain be an-
" swered what title any subject of his kingdom had
" to his house or land, that he had not to his town
" of Hull? or what right any subject had to his
" money, plate, or jewels, that his majesty had not
" to his magazine and[d] munition there? If he had
" ever such a title, he said he would know when
" he lost it? And if that magazine and munition,
" bought with his own money, were ever his, when
" and how that property went out of him? He very
" well knew the great and unlimited power of a
" parliament; but he knew as well, that it was only
" in that sense, as he was a part of that parliament;
" without him, and against his consent, the votes of
" either or both houses together must not, could
" not, should not (if he could help it, for his sub-
" jects' sake, as well as his own) forbid any thing
" that was enjoined by the law, or enjoin any thing

[d] and] or

" that was forbidden by the law. But in any such
" alteration, which might be for the peace and hap-
" piness of the kingdom, he had not, should not re-
" fuse to consent. And he doubted not, but that all
" his good subjects would easily discern, in what a
" miserable insecurity and confusion they must ne-
" cessarily and inevitably be, if descents might be
" altered; purchases avoided; assurances and con-
" veyances cancelled; the sovereign legal authority
" despised, and resisted by votes, or orders of either
" or both houses. And this, he said, he was sure,
" was his case at Hull; and as it was his this day, by
" the same rule, it might be theirs to-morrow.

" Against any desperate design of the papists, of
" which they discoursed so much, he had sufficiently
" expressed his zeal and intentions; and should be
" as forward to adventure his own life and fortune,
" to oppose any such designs, as the meanest sub-
" ject in his kingdoms.[e]

" For the malignant party, he said, as the law had
" not, to his[f] knowledge, defined their condition, so
" neither house had presented them to his majesty,
" under such a notion, as he might well understand,
" whom they intended; and he should therefore only
" inquire after and avoid the malignant party, under
" the character of persons disaffected to the peace
" and government of the kingdom, and such who,
" neglecting and despising the law of the land, had
" given themselves other rules to walk by, and so dis-
" pensed with their obedience to authority; of those
" persons, as destructive to the commonwealth, he
" should take all possible caution.

[e] kingdoms.] kingdom. [f] his] their

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"Why any letters intercepted from the lord Digby, wherein he mentioned a retreat to a place of safety, should hinder him from visiting his own fort, and how he had opposed any ways of accommodation with his parliament, and what ways and overtures had been offered in any way, or like any desire of such accommodation; or whether his message of the twentieth of January last, so often in vain pressed by him, had not sufficiently expressed his earnest desire of it, he said, all the world should judge; neither was it in the power of any persons to incline him to take arms against his parliament and his good subjects, and miserably to embroil the kingdom in civil wars. He had given sufficient evidence to the world how much his affections abhorred, and how much his heart did bleed at, the apprehension of a civil war. And, he said, God and the world must judge, if his care and industry were not[g], only to defend and protect the liberty of the subject, the law of the kingdom, his own just rights, (part of that law,) and his honour, much more precious than his life: and if, in opposition to these, any civil war should arise, upon whose account the blood, and destruction that must follow, must be cast: God, and his own conscience, told him, that he was clear.

"For captain Leg's being sent heretofore to Hull, or for the earl of Newcastle's being sent thither by his warrant and authority, he said, he had asked a question long ago, in his answer to both houses concerning the magazine at Hull, which, he had

[g] not] *Not in MS.*

" cause to think, was not easy to be answered; why " the general rumour of the design of papists, in the " northern parts, should not be thought sufficient " ground for his majesty to put[h] such a person of " honour, fortune, and unblemished reputation, as " the earl of Newcastle was known to be, into a " town and fort of his own, where his own maga- " zine lay; and yet the same rumour be warrant " enough to commit the same town and fort, with- " out his consent, to the hands of sir John Hotham, " with such a power as was now too well known, and " understood? How his refusal to have that maga- " zine removed, upon the petition of both houses, " could give any advantage against him, to have it " taken from him, and whether it was a refusal, all " men would easily understand, who read his an- " swer to that petition; to which it had not been " yet thought fit to make any reply.

" For the condition of those persons, who pre- " sented the petition to him at York (whom that " declaration called, some few ill-affected persons " about the city of York) to continue the magazine " at Hull; he said, he made no doubt, but that pe- " tition would appear to be attested, both in number " and weight, by persons of honour and integrity, " and much more conversant with the affections of " the whole country, than most of those petitions, " which had been received with so much consent " and approbation. And for the[i] presumption of in- " terposing their advice, his majesty the more won- " dered at that exception, when such encourage- " ment had been given, and thanks declared to mul-

[h] put] put in

[i] for the] for their

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" titudes of mean, unknown people, apprentices, and " porters, who had accompanied petitions of very " strange natures.

" For the manner of his going to Hull, he said, " he had clearly set forth the same, in his message to " both houses of that business; and for any intelli- " gence given to sir John Hotham of an intention to " deprive him of his life, as he knew there was no " such intention in him, having given him all possi- " ble assurance of the same, at his being there, so " he was confident, no such intelligence was given, " or if it were, it was by some villain, who had no- " thing but malice or design to fright him from his " due obedience;[k] and sir John Hotham had all the " reason to assure himself, that his life would be in " much more danger by refusing to admit his king " into his own town and fort, than by yielding him " that obedience, which he owed by his oaths of " allegiance and supremacy, and the protestation, " which he knew was due and warrantable, by the " laws of the land. For the number of his attend- " ants, though that could be no warrant for such " a disobedience in a subject, he said, it was well " known (as his majesty had expressed in his mes- " sage to both houses, to which credit ought to have " been given) that he offered to go into the town " with twenty horse only, his whole train being un- " armed; and whosoever thought that too great an " attendance for his majesty and his two sons, had " sure an intention to bring him to a meaner retinue, " than they would yet avow.

" Here then, he said, was his case, of which all

[k] obedience;] obedience, to warrant him;

" the world should judge: his majesty endeavoured
" to visit a town and fort of his own, wherein his
" own magazine lay: a subject, in defiance of him,
" shuts the gates against him; with armed men re-
" sists, denies, and opposes his entrance; tells him,
" in plain terms, he should not come in. He said,
" he did not pretend to understand much law, yet,
" in the point of treason, he had had much learning
" taught him this parliament; and if the sense of
" the statute of the 25th year of Edward III. chap.
" 2. were not very differing from the letter, sir John
" Hotham's act was no less than plain high treason:
" and he had been contemptibly stupid, if he had,
" after all those circumstances of grace and favour
" then shewed to him, made any scruple to proclaim
" him traitor. And whether he were so, or no, if
" he would render himself, his majesty would re-
" quire no other trial, than that which the law had
" appointed to every subject, and which he was con-
" fident he had not, in the least degree, violated in
" those proceedings; no more than he had done the
" privilege of parliament, by endeavouring, in a just
" way, to challenge his own unquestionable privi-
" leges. So that,[1] in such a[m] case, the declaring
" him traitor, being a member of the house of com-
" mons, without process of law, should be a breach
" of privilege of parliament, (of which he was sure
" none extended to treason, felony, or breach of
" peace,) against the liberty of the subject, or against
" the law of the land, he must have other reasons
" than bare votes. He said, he would know if sir
" John Hotham had, with the forces by which he

[1] So that,] For that,

[m] a] *Not in MS.*

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" kept him out of his town of Hull, pursued him to " the gates of York, which he might as legally have " done, whether his majesty must have staid from " declaring him traitor till process of law might " have issued against him? Would fears and jea- " lousies dispense with necessary and real forms? " And must his majesty, when actual war is levied " upon him, observe forms which the law itself doth " not enjoin? The case, he said, was truly stated, " let all the world judge (unless the mere sitting of " a parliament did suspend all laws, and his majesty " was the only person in England against whom " treason could not be committed) where the fault " was; and whatsoever course he should be driven " to for the vindication of that his privilege, and for " the recovery and maintenance of his known un- " doubted rights, he doth promise, in the presence " of Almighty God, and as he hopes for his blessing " in his success, that he would, to the utmost of his " power,[n] defend and maintain the true protestant " profession, the law of the land, the liberty of the " subject, and the just privilege and freedom of par- " liament.

" For the order of assistance given to the com- " mittees[o] of both houses, concerning their going to " Hull, he said, he should say no more, but that " those persons, named in that order, he presumed, " would give no commands, or his good subjects " obey other, than what were warranted by the law, " (how large and unlimited soever[p] the directions " are, or the instructions might be,) for to that rule

[n] his power,] his powers,
[o] committees] committee
[p] and unlimited soever] *Not in MS.*

" he should apply his own actions, and by it require " an account from other men; and that all his good " subjects might the better know their duty in mat- " ters of this nature, he wished them carefully to " peruse the statute of the eleventh year of king " Henry VII. ch. 1. He said, he would conclude " with Mr. Pym's own words: If the prerogative of " the king overwhelm the liberty of the people, it " will be turned to tyranny; if liberty undermine " the prerogative, it would grow into anarchy, and " so into confusion[q]."

Besides their declaration, votes, and orders in the justification of sir John Hotham, for his better encouragement, and for a ground of his son's residence at Hull, in whom they had in truth a firmer confidence than in the father, they ordered, " That if, " by any force or accident, sir John Hotham should " lose his life, or otherwise die in that service, that " his son should succeed him in the government;" and having thus declared themselves, they thought fit at last to send some particular answer to the king upon that business; which they were the rather inclined to do, that under that pretence they might send down a committee of their own to reside at York: whereby they might receive constant animadversions of what happened, and what was designed, and their friends and dependents in that large, populous, and rich county, be the better confirmed in their affections and devotions to them; and, to that purpose, they sent down the lord Howard of Escrick, the lord Fairfax, sir Hugh Cholmely, (a fast friend to sir John Hotham,) sir Philip Stapleton,

[q] and so into confusion] *Not in MS.*

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who had likewise married Hotham's daughter, and sir Harry Cholmely, who presented their answer in writing to his majesty; the which, being of a mould unusual, and a dialect higher and rougher than even themselves had yet used, I have thought fit to insert in the same words it was delivered; thus:

The most humble answer of the lords and commons in parliament to two messages from your sacred majesty concerning sir John Hotham's refusal to give your majesty entrance into the town of Hull.

The answer of the lords and commons to his majesty's two messages concerning Hull.

"Your majesty[r] may be pleased to understand, "that we, your great council, finding manifold evi- "dences of the wicked counsels and practices of "some in near trust and authority about you, to "put the kingdom into a combustion, by drawing "your majesty into places of strength, remote from "your parliament, and by exciting your people to "commotions, under pretence of serving your ma- "jesty against your parliament, lest this malignant "party, by the advantage of the town and magazine "at Hull,[s] should be enabled to go through with "their mischievous intentions, did, in discharge of "the great trust that lies upon us, and by that "power which in cases of this nature resides in us, "command the town of Hull to be secured by a "garrison of the adjoining trained bands,[t] under "the government of sir John Hotham; requiring "him to keep the same for the service of your ma- "jesty and the kingdom: wherein we have done

[r] "Your majesty] *This answer is in the handwriting of lord Clarendon's secretary.*

[s] at Hull,] of Hull,

[t] trained bands,] trained band,

" nothing contrary to your royal sovereignty in that
" town, or legal propriety in the magazine.

" Upon consideration of sir John Hotham's pro-
" ceeding at your majesty's being there, we have
" upon very good ground [u] adjudged, that he could
" not discharge the trust, upon which, nor make good
" the end, for which he was placed in the guard of
" that town and magazine, if he had let in your ma-
" jesty with such counsellors and company as were [x]
" then about you.

" Wherefore, upon full resolution of both houses,
" we have declared sir John Hotham to be clear
" from that odious crime of treason; and have avow-
" ed, that he hath therein done nothing but in obe-
" dience to the command of both houses of parlia-
" ment; assuring ourselves, that, upon mature deli-
" beration, your majesty will not interpret his obe-
" dience to such authority to be an affront to your
" majesty, or to be of that nature, as to require any
" justice to be done upon him, or satisfaction to be
" made to your majesty: but that you will see just
" cause of joining with your parliament, in preserv-
" ing and securing the peace of the kingdom; sup-
" pressing this wicked and malignant party; who,
" by false colours, and pretensions of maintaining
" your majesty's prerogative against the parliament,
" (wherein they fully agree with the rebels in [y] Ire-
" land,) have been the causes of all our distempers
" and dangers.

" For prevention whereof we know no better re-
" medy, than settling the militia of the kingdom,
" according to the bill, which we have sent your ma-

[u] ground] grounds [x] were] was [y] in] of

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"jesty, without any intention of deserting, or declin-
"ing the validity, or observance of that ordinance,
"which passed both houses, upon your majesty's for-
"mer refusal: but we still hold that ordinance to be
"effectual by the laws of this kingdom. And we
"shall be exceeding glad, if your majesty, by approv-
"ing these our just, dutiful, and necessary proceed-
"ings, shall be pleased to entertain such counsel, as
"we assure ourselves, by God's blessing, will prove
"very advantageous for the honour and greatness of
"your majesty; the safety and peace of your people;
"amongst which we know none more likely to pro-
"duce such good effects, than a declaration from
"your majesty of your purpose to lay aside all
"thoughts of going into Ireland, and to make a
"speedy return into these parts, to be near your
"parliament. Which, as it is our most humble de-
"sire, and earnest petition, so shall it be seconded
"with our most dutiful care for the safety of your
"royal person, and constant prayers, that it may
"prove honourable and successful, in the happiness
"of your majesty, and all your kingdoms."

To this answer, with all formality delivered to his majesty by the committee, the king returned a quick reply:

His majesty's reply.

"That he had been in good hope, that the reason,
"why they had so long deferred their answer to his
"messages concerning Hull, had been; that they
"might the better have given him satisfaction there-
"in, which now added the more to his [z] astonish-
"ment, finding their answer, after so long advise-
"ment, to be of that nature, which could not but

[z] to his] *Not in MS.*

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" rather increase than diminish the present distrac-
" tions, if constantly adhered to by the parliament.
" He asked them, whether it was not too much, that
" his town of Hull had a garrison put into it, to the
" great charge of the country, and inconvenience to
" the poor inhabitants, without his consent and ap-
" probation, under colour at that time of foreign in-
" vasion, and apprehensions of the popish party; but
" that now the reasons thereof should be enlarged
" with a scandal to his majesty, and his faithful
" servants, only to bring in the more specious pre-
" text for the avowing sir John Hotham's insolence
" and treason?

" He said, he had often heard of the great trust,
" that, by the law of God and man, was committed
" to the king for the defence and safety of his peo-
" ple; but as yet he never understood, what trust or
" power was committed to either or both houses of
" parliament, without the king; they being summon-
" ed to counsel and advise the king. But by what
" law or authority they possess themselves of his
" majesty's proper right and inheritance, he was con-
" fident, that as they had not, so they could not
" shew. He told them, that he had not hitherto
" given the least interruption to public justice; but
" they, rather than suffer one of their members to
" come so much as to a legal trial for the highest
" crime, would make use of an order of parliament
" to countenance treason, by declaring him free from
" that guilt, which all former ages never accounted
" other; and that without so much as inquiring the
" opinion of the judges; for he was confident, they
" would have mentioned their opinion, if they had
" asked it.

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"Therefore he expected, that upon further and "better consideration of the great and necessary "consequence of the business of Hull, and seriously "weighing, how much it did concern the peace and "quiet of the kingdom, they would, without further "instance from his majesty, give him full and speedy "justice against sir John Hotham. And he said, he "would leave all his good people to think, what hope "of justice there was left for them, when they re- "fused, or delayed, to give their own sovereign sa- "tisfaction. And, as he had already said, till that "should be done, he would intend no business what- "soever, other than that of Ireland.

"And he said, he likewise expected that they "would not put the militia in execution, until they "could shew him by what law they had authority to "do the same, without his consent; or if they did, "he was confident, that he should find much more "obedience according to law, than they would do "against law. And he should esteem all those, who "should obey them therein, to be disturbers of the "peace of the kingdom; and would, in due season, "call them to a legal account for the same.

"Concerning his return, he told them, he never "heard that the slandering of a king's government, "and his faithful servants, the refusing of him jus- "tice, and in a case of treason, and the seeking to "take away his undoubted and legal authority, un- "der the pretence of putting the kingdom into a "posture of defence, were arguments to induce a "king to come near, or hearken to his parliament."

The king despatched this answer the sooner, that the country might be freed from the impression, the presence and activity of the committee made in them:

but when he delivered it to them, and required them to make all convenient haste with it to the houses, they told him, "they would send it by an express, "but that themselves were required and appointed "still to reside[a] at York." The king told them, "that he liked not[b] such supervisors near him, and "wished them to be very careful in their carriage; "that the country was visibly then very well affect- "ed; and if he found any declension, he well knew "to whom to impute it; and should be compelled "to proceed in another manner against them, than, "with reference to their persons," (for they were all then reputed moderate men, and had not been thought disaffected to the government of[c] church or state,) "he should be willing to do." They answered with a sullen confidence, "that they should demean them- "selves according to their instructions; and would "perform the trust reposed in them by the two "houses of parliament." Yet such was the ticklish- ness of the king's condition, that, though it was most evident that their coming, and staying there, was to pervert and corrupt the loyalty and affections of those parts, and to infuse into them inclinations contrary to their allegiance, it was not thought counsellable at that time, either to commit them to prison, or to expel them from that city, or to inhibit them the freedom of his own court and presence; and so they continued for the space of above a month, in York, even in defiance of the king.[d]

[a] still to reside] to reside still

[b] liked not] liked not to have

[c] of] of the

[d] even in defiance of the king.] *Here follows in MS. C. a long account of the king's demanding from the earls of Essex and Holland the badges of their respective offices, of which a statement from MS. B. is given in*

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The militia was the argument, which they found made deepest impression in the people, being totally ignorant what it was, or what the consequence of it might be; and so believing whatsoever they told them concerning it. And therefore they resolved to drive that nail home; and though, for want of their imminent danger, and during the time of the king's treaty, and overture of a bill, they had forborne the execution of their ordinance; yet the frequent musters of volunteers without order, almost in all countries, by the bare authority of their votes, gave them sufficient evidence how open the people were to their commands; at least, how unprepared authority was to resist and oppose them: and therefore, after the king had displaced their two [c] favourites, and refused to pass the bill for the militia, and sir John Hotham had refused to let the king come into the town of Hull, and they had justified him for so doing, they prepared a declaration concerning the whole state of the militia, as the resolution of the lords and commons upon that matter; in which they said,

The declaration of the two houses about the militia, May 5, 1642.

"That holding it necessary for the peace and "safety of the kingdom, to settle the militia thereof, "they had, for that purpose, prepared an ordinance "of parliament, and with all humility had presented "the same to his majesty for his royal assent. Who, "notwithstanding the faithful advice of his parlia- "ment, and the several reasons offered by them, of "the necessity thereof for the securing of his majes- "ty's person, and the peace and safety of his people, "did refuse to give his consent; and thereupon they

page 327—333, of this volume. The part not copied from MS. C. *is inserted in the Appendix, M.*

[c] two] *Not in MS.*

" were necessitated, in discharge of the trust reposed
" in them, as the representative body of the kingdom,
" to make an ordinance, by the authority of both
" houses, to settle the militia, warranted thereunto
" by the fundamental laws of the land: that his ma-
" jesty, taking notice thereof, did, by several mes-
" sages, invite them to settle the same by act of par-
" liament; affirming in his message sent in answer
" to the petition of both houses, presented to his ma-
" jesty at York, March 26, that he always thought
" it necessary the same should be settled, and that
" he never denied the thing, only denied the way;
" and for the matter of it, took exception [f] only to
" the preface, as a thing not standing with his ho-
" nour to consent to; and that himself was excluded
" in the execution, and for a time unlimited: where-
" upon the lords and commons, being desirous to
" give his majesty all satisfaction that might be, even
" to the least tittle of form and circumstances, when [g]
" his majesty had pleased to offer them a bill ready
" drawn, had, for no other cause, than to manifest
" their hearty affection to comply with his majesty's
" desires, and obtain his consent, entertained the
" same, in [h] the mean time no way declining their
" ordinance; and, to express their earnest zeal to
" correspond with his majesty's desires, [i] (in all things
" that might consist with the peace and safety of the
" kingdom, and the trust reposed in them,) did pass
" that bill, and therein omitted the preamble insert-
" ed before the ordinance; limited the time to less
" than two years; and confined the authority of the

[f] exception] exceptions
[g] when] and when
[h] in] and in
[i] desires,] desire,

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" lieutenants to these three particulars; namely, re-
" bellion, insurrection, and foreign invasion; and re-
" turned the same to his majesty for his royal assent:
" but all these expressions of affection and loyalty,
" all those desires and earnest endeavours to comply
" with his majesty, had, to their great grief and sor-
" row, produced no better effects than an absolute
" denial, even of that which his majesty, by his for-
" mer messages, as they conceived, had promised:
" the advice of evil and wicked councils receiving
" still more credit with him, than that of his great
" council of parliament, in a matter of so high im-
" portance, that the safety of his kingdom, and peace
" of his people, depended upon it.

" But now, what must be the exceptions to that
" bill? Not any sure that were [k] to the ordinance;
" for a care had been taken to give satisfaction in all
" those particulars. Then the exception was, be-
" cause that the disposing and execution thereof was
" referred to both houses of parliament, and his ma-
" jesty excluded; and now that, by the bill, the pow-
" er and execution was ascertained, and reduced to
" particulars, and the law of the realm made the
" rule thereof, his majesty would not trust the per-
" sons. The power was too great, too unlimited, to
" trust them with. But what was that power? Was
" it any other, but, in express terms, to suppress re-
" bellion, insurrection, and foreign invasion? And
" who were those persons? Were not they such as
" were nominated by the great council of the king-
" dom, and assented to by his majesty? And was it
" too great a power, to trust those persons with the

[k] were] was

" suppression of rebellion, insurrection, and foreign
" invasion? Surely, they said, the most wicked of
" them who advised his majesty to that answer,
" could not suggest, but that it was necessary for
" the safety of his majesty's royal person, and the
" peace of the kingdom, such a power should be put
" in some hands; and there was no pretence for
" exception to the persons. They said, his majesty
" had, for the space of above fifteen years together,
" not thought a power, far exceeding that, to be too
" great to intrust particular persons with, to whose
" will the lives and liberties of his people, by martial
" laws, were made subject; for such was the power
" given[l] lord lieutenants, and deputy lieutenants, in
" every county of this kingdom, and that without
" the consent of the people, or authority of law. But
" now in case of extreme necessity, upon the advice
" of both houses of parliament, for no longer space
" than two years, a lesser power, and that for the
" safety of king and people, was thought too great
" to trust particular persons with, though named by
" both houses of parliament, and approved by his
" majesty himself: and surely, if there were a neces-
" sity to settle the militia, (which his majesty was
" pleased to confess,) the persons could not be in-
" trusted with less power than that, to have it at
" all[m] effectual. And the precedents of former ages,
" when there happened a necessity to raise such a
" power, never straitened that power to a narrower
" compass; witness the commissions of array in se-
" veral kings' reigns, and often issued out by the
" consent and authority of parliament.

[l] given] given to

[m] at all] *Not in MS.*

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"The lords and commons therefore, intrusted "with the safety of the kingdom, and peace of the "people, (which, they called God to witness, was "their only aim,) finding themselves denied those "their so necessary and just demands, and that "they could never be discharged before God or "man, if they should suffer the safety of the king- "dom, and peace of the people, to be exposed to "the malice of the malignant party at home, or the "fury of enemies from abroad: and knowing no "other way to encounter the imminent and ap- "proaching danger, but by putting the people into "a fit posture of defence, did resolve to put their "said ordinance in present execution; and did re- "quire all persons in authority, by virtue of the "said ordinance, forthwith to put the same in exe- "cution, and all others to obey it, according to the "fundamental laws of the kingdom in such cases, "as they tendered the upholding of the true pro- "testant religion, the safety of his majesty's person, "and his royal posterity, the peace of the kingdom, "and the being of this commonwealth." This declaration (being in answer to a message from his majesty) was printed, and, with the usual care and dexterity, dispersed throughout the kingdom, without so much as sending it to the king; and, thereupon, warrants and directions issued into all parts, for the exercising the militia.

This being the first declaration they had in plain terms published against the king, without ever communicating it, or presenting it to him, as they had done all the rest, his majesty was the more troubled how to take notice of it; but conceiving it necessary to apply some antidote to this poison, the

violent operation whereof he had reason to apprehend, he published a declaration by way of answer to that declaration, in which he said,

The king's declaration in answer to the foregoing declaration.

"That he very well understood, how much it "was below the high and royal dignity (wherein "God had placed him) to take notice of, much "more to trouble himself with answering, those "many scandalous, seditious pamphlets, and printed "papers, which were scattered, with such great li- "cence, throughout the kingdom, (notwithstanding "his majesty's earnest desire, so often in vain "pressed, for a reformation,) though he found it "evident, that the minds of many of his weak sub- "jects had been, and still were, poisoned by those "means; and that so general a terror had possessed "the minds and hearts of all men, that whilst the "presses swarmed with [n], and every day produced, "new tracts against the established government of "the church and state, most men wanted the cou- "rage, or the conscience, to write, or the opportu- "nity and encouragement to publish, such composed, "sober animadversions, as might either preserve "the minds of his good subjects from such infec- "tion, or restore and recover them, when they "were so infected: but, his majesty said, he was "contented to let himself fall to any office, that "might undeceive his people, and to take more "pains that way by his own pen, than ever king "had done, when he found any thing that seemed "to carry the reputation and authority of either or "both houses of parliament, and would not have "the same refuted, and [o] disputed by vulgar and

[n] with] *Not in MS.* [o] and] or

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" common pens, till he should be throughly informed whether those acts had in truth that countenance and warrant they pretend: which regard " of his, his majesty doubted not but, in time, would " recover that due reverence (the absence whereof " he had too much reason to complain of[p]) to his " person and his messages, which in all ages had " been paid, and, no doubt, was due to the crown " of England.

" He said, he had therefore taken notice of a " printed paper, entitled, a Declaration of both " Houses, in answer to his last message concerning " the militia, published by command; the which he " was unwilling to believe (both for the matter of " it, the expressions in it, and the manner of publishing it) could result from the consent of both " houses; neither did his majesty know by what " lawful command, such uncomely, irreverent mention of him could be published to the world: and " though declarations of that kind had of late, with " too much boldness, broken in upon his majesty " and the whole kingdom, when one or both houses " had thought fit to communicate their counsels and " resolutions to the people; yet, he said, he was unwilling to believe, that such a declaration as that " could be published in answer to his message, without vouchsafing at least to send it to his majesty " as their answer: their business, for which they " were met by his writ and authority, being to " counsel him for the good of his people, not to " write against him to his people; nor had any " consent of his majesty for their long continuing

[p] of] *Not in MS.*

" together enabled them to do any thing, but what " they were first summoned by his writ to do. At " least he would believe, though misunderstanding " and jealousy (the justice of God, he said, would " overtake the fomenters of that jealousy, and the " promoters and contrivers of that misunderstand- " ing) might produce, to say no worse, those very " untoward expressions, that if those houses had " contrived that declaration as an answer to his " message, they would have vouchsafed some an- " swer to the questions proposed in his, which, he " professed, did, and must evidently prevail over " his understanding; and, in their wisdom and gra- " vity, they would have been sure to have stated " the matters of fact, as (at least to ordinary under- " standings) might be unquestionable; neither of " which was done by that declaration.

" His majesty desired[q] to know, why he was by " that act absolutely excluded from any power or " authority in the execution of the militia: and, he " said, he must appeal to all the world, whether " such an attempt were not a greater and juster " ground for fear and jealousy in him, than any one " that was avowed for those destructive fears and " jealousies which were so publicly owned, almost, " to the ruin of the kingdom. But his majesty had " been told, that he must not be jealous of his great " council of both houses of parliament. He said, he " was not, no more than they were of his majesty, " their king; and hitherto they had not avowed " any jealousy of, or disaffection to, his person; but " imputed all to his evil counsellors, to a malignant

[q] desired] had desired

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" party, that was not of their minds; so his majesty " did (and, he said, he did it from his soul) profess " no jealousy of his parliament, but of some turbu- " lent, seditious, and ambitious natures; which, be- " ing not so clearly discerned, might have an influ- " ence even upon the actions of both houses: and " if that declaration had passed by that consent, " (which he was not willing to believe,) he said, it " was not impossible, but that the apprehension of " such tumults, which had driven his majesty from " his city of London, for the safety of his person, " might make such an impression upon other men, " not able to remove from the danger, to make " them consent, or not to own a dissent, in matters " not agreeable to their conscience or understand- " ing.

" He said, he had mentioned, in that his answer, " his dislike of putting their names out of the bill, " whom before they recommended to his majesty, in " their pretended ordinance, and the leaving out, by " special provision, the present lord mayor of Lon- " don: to all which the declaration afforded no an- " swer; and therefore he could not suppose it was " intended for an answer to that his message, which " whosoever looked upon, would find to be in no " degree answered by that declaration; but it in- " formed all his majesty's subjects, after the men- " tion with what humility the ordinance was pre- " pared, and presented to his majesty, (a matter " very evident in the petitions, and messages con- " cerning it,) and his refusal to give his consent, " notwithstanding the several reasons offered, of the " necessity thereof for the securing of his person, " and the peace and safety of his people, (whether

" any such reasons were given, the weight of them, " and whether they were not clearly and candidly " answered by his majesty, the world would easily " judge,) that they were at last necessitated to " make an ordinance by authority of both houses, to " settle the militia, warranted thereunto by the fun- " damental laws of the land. But, his majesty " said, if that declaration had indeed intended to " have answered him, it would have told his good " subjects what those fundamental laws of the land " were, and where to be found; and would, at least, " have mentioned one ordinance, from the first be- " ginning of parliaments to this present parliament, " which endeavoured to impose any thing upon the " subject without the king's consent; for of such, " he said, all the inquiry he could make could never " produce him one instance. And if there were " such a secret of the law, which had lain hid from " the beginning of the world to that time, and now " was discovered to take away the just, legal power " of the king, he wished there were not some other " secret (to be discovered when they pleased) for " the ruin and destruction of the liberty of the sub- " ject. For, he said, there was no doubt if the " votes of both houses had any such authority to " make a new law, it had the same authority to re- " peal the old; and then, what would become of " the long established rights and liberties[r] of the " king and subject, and particularly of Magna " Charta, would be easily discerned by the most or- " dinary understanding.

" He said, it was true, that he had (out of ten-

[r] and liberties] *Not in MS.*

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"derness of the constitution of the kingdom, and "care of the law, which he was bound to defend, "and being most assured of the unjustifiableness "of the pretended ordinance) invited, and desired "both houses of parliament to settle whatsoever "should be fit of that nature by act of parliament. "But was he therefore obliged to pass whatsoever "should be brought to him of that kind? He did "say in his answer to the petition of both houses, "presented to him at York the 26th of March last, "(and he had said the same in other messages be-"fore,) that he always thought it necessary that "the business of the militia should be settled, and "that he never denied the thing, only denied the "way; and he said the same still; and that since "the many disputes and votes, upon lords lieute-"nants and their commissions, (which had not been "begun by his majesty, nor his father,) had so dis-"countenanced that authority, which for many "years together was happily[s] looked upon with "reverence and obedience by the people, his ma-"jesty did think it very necessary, that some whole-"some law should be provided for that business; "but he had declared in his answer to the pre-"tended ordinance, that he expected, that that ne-"cessary power should be first invested in his ma-"jesty, before he consented to transfer it to other "men; neither could it ever be imagined that he "would consent that a greater power should be in "the hands of a subject, than he was thought wor-"thy to be trusted with himself. And if it should "not be thought fit to make a new act or declara-

[s] happily] *Not in MS.*

" tion in the point of the militia, he doubted not " but he should be able to grant such commissions " as should very legally enable those he trusted, to " do all offices for the peace and quiet of the king- " dom, if any disturbance should happen.

" But it was said, he had been pleased to offer " them a bill ready drawn, and that they, to ex- " press their earnest zeal to correspond with his de- " sire, did pass that bill; and yet all that expres- " sion of affection and loyalty, all that earnest de- " sire of theirs to comply with his majesty, pro- " duced no better effect than an absolute denial, " even of what by his former messages his majesty " had promised; and so that declaration, he said, " proceeded, under the pretence of mentioning evil " and wicked councils, to censure and reproach his " majesty in a dialect, that, he was confident, his " good subjects would read, on his behalf, with " much indignation. But, his majesty said, sure if " that declaration had passed the examination of " both houses of parliament, they would never have " affirmed, that the bill he had refused to pass was " the same he had sent to them, or have thought " that his message, wherein the difference and con- " trariety between the two bills was so particularly " set down, would be answered with the bare aver- " ring them to be one and the same bill: nor would " they have declared, when his exceptions to the " ordinance, and the bill, were so notoriously known " to all, that care being taken to give satisfaction " in all the particulars he had excepted against in " the ordinance, he had found new exceptions to " the bill; and yet that very declaration confessed, " that his exception to the ordinance was, that, in

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"the disposing and execution thereof, his majesty "was excluded: and was not that an express rea- "son, in his answer, for his refusal of the bill; "which that declaration would needs confute?

"But the power was no other than to suppress "rebellion, insurrection, and foreign invasion; and "the persons trusted, no other than such as were "nominated by the great council of the kingdom, "and assented to by his majesty: and they asked, "if that were too great a power to trust those per- "sons with? Indeed, his majesty said, whilst so "great liberty was used in voting, and declaring "men to be enemies to the commonwealth, (a "phrase his majesty scarce understood,) and in cen- "suring men for their service, and attendance upon "his majesty's person, and in his lawful commands, "great heed must be taken into what hands he "committed such a power to suppress insurrection "and rebellion; and if insurrection and rebellion "had found other definitions than what the law "had given, his majesty must be sure, that no law- "ful power should justify those definitions: and if "there were learning found out to make sir John "Hotham's taking arms against him, and keeping "his majesty's town and fort from him, to be no "treason or rebellion, he knew not whether a new "discovery might not find it rebellion in his ma- "jesty to defend himself from such arms, and to "endeavour to recover what was so taken from "him; and therefore, he said, it concerned him, till "the known laws of the land were allowed to be "judge between them, to take heed into what "hands he committed such power.

"Besides, he asked, whether it could be thought,

" that because he was willing to trust certain per-
" sons, that he was obliged to trust them in whatso-
" ever they were willing to be trusted? He said, no
" private hands were fit for such a trust; neither
" had he departed from any thing, in the least de-
" gree, he had offered or promised before; though
" he might with as much reason have withdrawn
" his trust from some persons, whom before he had
" accepted, as they had done from others, whom
" they had recommended. For the power which he
" was charged to have committed to particular per-
" sons, for the space of fifteen years, by his commis-
" sions of lieutenancy, it was notoriously known,
" that it was not a power created by his majesty,
" but continued very many years, and in the most
" happy times this kingdom had enjoyed, even those
" of his renowned predecessors, queen Elizabeth,
" and his father of happy memory; and whatever
" authority had been granted by those commissions,
" which had been kept in the old forms, the same
" was determinable at his majesty's pleasure; and
" he knew not, that they produced any of those ca-
" lamities, which might give his good subjects cause
" to be so weary of them, as to run the hazard of
" so much mischief, as that bill, which he had re-
" fused, might possibly have produced.

" For the precedents of former ages in the com-
" missions of array, his majesty doubted not, but
" when any such had issued out, that the king's
" consent was always obtained, and the commissions
" determinable at his pleasure; and then what the
" extent of power was, would be nothing applicable
" to that case of the ordinance.

" But whether that declaration had refuted his

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" majesty's reasons for his refusal to pass the bill, or " no, it resolved, and required all persons in author- " ity thereby to put the ordinance in present execu- " tion; and all others to obey it according to the " fundamental laws of the land. But, his majesty " said, he, whom God had trusted to maintain and " defend those fundamental laws, which, he hoped, " God would bless to secure him, did declare, that " there was no legal power in either, or both houses, " upon any pretence whatsoever, without his ma- " jesty's consent, to command any part of the militia " of the kingdom; nor had the like ever been com- " manded by either, or both houses, since the first " foundation of the laws of the land; and that the " execution of, or the obedience to, that pretended " ordinance, was against the fundamental laws of " the land, against the liberty of the subject, and " the right of parliaments, and a high crime in any " that should execute the same: and his majesty " did therefore charge and command all his loving " subjects, of what degree or quality soever, upon " their allegiance, and as they tendered the peace " of the kingdom, from thenceforth not to muster, " levy, or array, or summon, or warn any of the " trained bands to rise, muster, or march, by virtue, " or under colour, of that pretended ordinance: and " to that declaration and command of his majesty's, " he said, he expected and required a full submis- " sion and obedience from all his loving subjects, " upon their allegiance, as they would answer the " contrary at their perils, and as they tendered the " upholding of the true protestant religion, the safe- " ty of his person, and his royal posterity, the peace, " and being of the kingdom."

Notwithstanding these sharp declarations, (infallible symptoms of sharper actions,) which were with equal diligence dispersed by either side among[t] the people, save that the agents for the parliament took as much care to suppress the king's, as to publish their own, whereas the king's desire was that they might be both impartially read and examined, and to that purpose always caused those from the parliament to be printed with his own, they had the power and skill to persuade men, who, but by that persuasion, could not have been seduced, and without seducing of whom they could have made but[u] a very sorry progress in mischief, "that all would be "well; that they were well assured that the king "would, in the end, yield to what they desired; at "least, that they should prevail for a good part, if "not for all, and that there should be no war:" though themselves well knew, that the fire was too much kindled to be extinguished without a flame, and made preparations accordingly. For the raising and procuring of money (besides the vast sums collected and contributed for Ireland, which they disbursed very leisurely, the supplies for that kingdom, notwithstanding the importunity and complaint from thence, being not despatched thither, both in quantity and quality, with that expedition as was pretended) they sent out very strict warrants for the gathering all those sums of money, which had been granted by any bills of subsidy, or poll-bill; in the collection of all which there had been great negligence, probably that they might have it the more at their own disposal in their need; by

[t] among] amongst [u] but] *Not in MS.*

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which they now recovered great sums into their hands. For the raising of men, (though it was not yet time for them to avow the raising an army,) besides the disposing the whole kingdom to subject themselves to their ordinance of the militia, and, by that, listing in all places companies of volunteers, who would be ready when they were[x] called, they made more haste than they had done in the levies of men, both horse and foot, for the relief of Ireland, under officers chosen or approved by themselves; and proposed the raising of[y] an army apart, of six or eight thousand, under the command of the lord Wharton, (a man very fast to them,) for Munster, under the style of the adventurers' army, and to have no dependence upon, nor be[z] subject to, the lord lieutenant of Ireland, but only to receive orders from the two houses, and from a committee to be appointed by them, which should be always with that army: but the king, easily discerning the consequence of that design, refused to grant such a commission as they desired; so that they were forced to be content, only with the advantage of new exclamations against the king, "for hindering "the supplies for Ireland," upon the occasion of his denial of that unreasonable commission, and to proceed in their levies the ordinary way; which they did with great expedition. To confirm and encourage the factious and schismatical party of the kingdom, which thought the pace towards the reformation was not brisk and furious enough, and was with great difficulty contained in so slow a march, they had, a little before, published a declaration:

[x] were] *Not in MS.* [y] of] *Not in MS.* [z] nor be] or to be

"That they intended a due and necessary re-
"formation of the government and liturgy of the
"church, and to take away nothing in the one or
"the other, but what should be evil, and justly of-
"fensive, or at least unnecessary, and burdensome:
"and, for the better effecting thereof, speedily to
"have consultation with godly and learned divines:
"and, because that would never of itself attain the
"end sought therein, they would therefore use their
"utmost endeavours to establish learned and preach-
"ing ministers, with a good and sufficient mainte-
"nance throughout the whole kingdom; wherein
"many dark corners were miserably destitute of the
"means of salvation, and many poor ministers want-
"ed necessary provision."

The two houses' declaration concerning a reformation of the liturgy.

This declaration, printed, and appointed to be published by the sheriffs in their several counties, in all the market-towns within the kingdom of England and dominion of Wales, was not more intended to the heartening of those who were impatient for a reformation, (who in truth had so implicit a faith in their leaders, that they expected another manner of reformation than was publicly promised,) than to the lulling those asleep, who begun[a] to be awake with the apprehension of that confusion, they apprehended from the practice and licence, they saw practised against the received government, and doctrine of the church; and to be persuaded, that it was time to oppose that current. And in this project they were not disappointed: for though this warily worded declaration was evidence enough to wise men, what they intended, and logically comprehended, an al-

[a] begun] began

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teration as great as has been[b] since attempted and made; yet to lazy and quiet men, who could not discern consequences, and were not willing to antedate their miseries, by suspecting worse was to come than they felt, or saw in their view, their fears were much abated, and the intentions of the parliament seemed not so bad as they had been told by some that they were: and as this very declaration of a due reformation to be made of the government of the church, and the liturgy, would, a year before, have given great umbrage and scandal to the people, when, generally, there was a due submission to the government, and a singular reverence of the liturgy of the church of England; so now, when there was a general fear and apprehension inculcated into them, of a purpose utterly to subvert the government, and utterly to abolish the liturgy, they thought the taking away nothing in the one or the other, but what should be evil, and justly offensive, or, at least, unnecessary and burdensome, was an easy composition; and so, by degrees, they suffered themselves to be still prevailed on towards ends they extremely abhorred; and what at first seemed profane and impious to them, in a little time appeared only inconvenient; and what, in the beginning, they thought matter of conscience and religion, shortly after they looked upon as somewhat rather to be wished than positively insisted on; and consequently not to be laid in the balance with the public peace, which they would imagine to be endangered by opposing the sense that then prevailed; and so, by undervaluing many particulars, (which they truly

[b] as has been] as hath been

esteemed,) as rather to be consented to, than that the general should suffer, they brought, or suffered the public to be brought to all the sufferings it since underwent. BOOK V. 1642.

And now they shewed what consultation they meant to have with godly and learned divines, and what reformation they intended, by appointing the knights and burgesses to bring in the names of such divines for the several counties, as they thought fit to constitute an assembly for the framing a new model for the government of the church, which was done accordingly; those who were true sons of the church, not so much as endeavouring the nomination of sober and learned men, abhorring such a reformation, as begun with the invasion and suppression of the church's rights in[c] a synod, as well known as Magna Charta: and if any well affected member, not enough considering the scandal and the consequence of that violation, did name an orthodox and well reputed divine, to assist in that assembly, it was argument enough against him, that he was nominated by a person in whom they had no confidence; and they only had reputation enough to commend to this consultation, who were known to desire the utter demolishing of the whole fabric of the church: so that of about one hundred and twenty, of which that assembly was to consist, (though, by the recommendation of two or three members of the commons, whom they were not willing to displease, and by the authority of the lords, who added a small number to those named by the house of commons, a few very reverend and The assembly of divines.

[c] in] in calling

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worthy men were inserted; yet of the whole number) they were not above twenty, who were not declared and avowed enemies to the doctrine or discipline of the church of England; some[d] of them infamous in their lives and conversations; and most of them of very mean parts in learning, if not of scandalous ignorance; and of no other reputation, than of malice to the church of England; so that that convention hath not since produced any thing, that might not then reasonably have been expected from it.

But that which gave greatest power and strength to their growing faction, was the severity they used against all those, of what quality or degree soever, who opposed their counsels and proceedings. If any lord, who had any place of honour or trust from the king, concurred not with them, they made an inquisition into the whole passages of his life; and if they could find no fault, or no folly (for any levity, or indiscretion, served for a charge) to reproach him with, it was enough, "that they could not confide in him:" so they threatened the earl of Portland, who with extraordinary vivacity crossed their consultations, "that they would remove him from his charge and "government of the Isle of Wight," (which, at last, they did *de facto*, by committing him to prison, without so much as assigning a cause,) and to that purpose objected all the acts of good fellowship; all the waste of powder, and all the waste of wine, in the drinking of healths; and other acts of jollity, whenever he had been at his government, from the first hour of his entering upon it: so that the least

[d] some] many

inconvenience a man in their disfavour was to expect, was to have his name and reputation used, for two or three hours, in the house of commons, with what licence and virulency they pleased. None were persecuted with more rigour than the clergy; whereof whosoever publicly, or privately, censured their actions, or suspected their intentions, was either committed to prison, or compelled to a chargeable and long attendance, as inconvenient as imprisonment. And this measure of proceeding was equally, if not with more animosity, applied to those, who, in former times, had been looked upon by that party with most reverence. On the contrary,[e] whoever concurred, voted, and sided with them, in their extravagant conclusions, let the infamy of his former life, or present practice, be what it would, his injustice and oppression never so scandalous and notorious, he was received, countenanced, and protected, with marvellous demonstrations of affection: so that, between those that loved them, and those that feared them, those that did not love the church, and those that did not love some churchmen; those whom the court had oppressed, and those who had helped the court to oppress others; those who feared their power, and those who feared their justice; their party was grown over the kingdom, but especially in the city, justly formidable.

In the mean time, the king omitted no opportunity to provide against the storm he saw was

[e] On the contrary,] *Thus originally in MS.* On the contrary side, as the church of Rome receives and allows the books of the Maccabees for canonical scripture, because the three last verses of the twelfth chapter of the second book seem to justify or commend the praying for the dead; so whoever concurred,

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coming; and, though he might not yet own the apprehension of that danger he really found himself in, he neglected not the provision of what he thought most necessary for his defence; he caused all his declarations, messages, and answers, to be industriously communicated throughout his dominions; of which he found good effects; and, by their reception, discovered that the people universally were not so irrecoverably poisoned, as he before had cause to fear: he caused private intimations to be given, and insinuations to be made to the gentry, "that their "presence would be acceptable to him;" and to those, who came to him, he used much gracious freedom, and expressed all possible demonstrations, that he was glad of their attendance: so that, in a short time, the resort to York was very great; and, at least, a good face of a court there.

Beyond the seas, the queen was as intent to do her part; and to provide that so good company, as she heard was daily gathered together about the king, should not be dissolved for want of weapons to defend one another: and therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own, and some of the crown jewels, a good quantity of powder and arms to be in a readiness in Holland, against the time that it should be found necessary to transport it to his majesty: so that both sides, whilst they entertained each other with discourses of peace, (which always carried a sharpness with them, that whetted their appetite to war,) provided for that war, which they saw would not be prevented.

Hitherto the greatest acts of hostility, saving that

at Hull, were performed by votes and orders; for there was yet no visible, formal execution of the ordinance for the militia, in any one county of England: for the appearance of volunteers in some factious corporations was[f] rather countenanced than positively directed and enjoined by the houses; and most places pretended an authority, granted by the king in the charters, by which those corporations were erected, or constituted: but now they thought it time to satisfy the king, and the people, that they were in earnest, (who were hardly persuaded, that they had in truth the courage to execute their own ordinance,) and resolved, "that, on the tenth of "May, they would have all the trained bands of "London mustered in the fields, where that exer-"cise usually was performed;" and accordingly, on that day, their own new officer, sergeant-major-general Skippon, appeared in Finsbury fields, with all the trained bands of London, consisting of above eight thousand soldiers, disposed into six regiments, and under such captains and colonels, as they had cause to confide in. At this first triumphant muster, the members of both houses appeared in gross, there being a tent purposely set up for them, and an entertainment at the charge of the city to the value of near a thousand pounds; all men presuming that this example of London, with such ceremony and solemnity, would be easily followed throughout the kingdom; and many believing they had made no small progress towards the end they aimed at, by having engaged the very body of the city in a guilt equal to their own: for though they had before suffi-

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[f] was] were

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cient evidence of the inclinations of the mean and common people to them, and reasonable assurance, that those in authority would hardly be able to contain them; yet, till this day, they had no instance of the concurrence of the city in an act expressly unlawful. But now they presumed all difficulties were over; and so sent their directions to the counties adjacent, speedily to execute the same ordinance: and appointed all the magazines of the several counties of England and Wales, to such custody, as their lord lieutenants, or their deputy lieutenants, should appoint; and that not only the counties should increase those magazines to what proportion soever they thought convenient, but that any private persons, that were well affected, should supply themselves with what arms and ammunition they pleased. By which means, besides the king's magazines, all which were in their possession, they caused great quantities of all sorts of arms to be provided, and disposed to such places and persons, as they thought fittest to be trusted; especially in those factious corporations, which had listed most volunteers for their service.

The king now saw the storm coming apace upon him; that (notwithstanding his proclamation[g] published against the ordinance of the militia, in which he set down the laws and statutes, which were infringed thereby, and by which the execution of that ordinance would be no less than high treason) the votes and declaration of both houses, "that those "proclamations were illegal, and that those acts of "parliament could not control the acts and orders

[g] proclamation] proclamations

" of both houses, (which the subjects were, by the " fundamental laws of the kingdom, to obey,)" prevailed so far, that obedience was given to them; that he was so far from being like to have Hull restored to him, that the garrison there daily increased, and forced the country to submit to such commands as[h] they pleased to lay on them; and that sir John Hotham was more likely to be able to take York, than his majesty to recover Hull; he thought it, therefore, high time, by their example, to put himself into a posture of defence; the danger being much more imminent to his majesty, than to those who had begot that ordinance. Hereupon, at a public meeting of the country, his majesty declared, " that " he was resolved, in regard of the public distempers, " and the neighbourhood of Hull, to have a guard " for his person; but of such persons, and with such " circumstances, as should administer no occasion of " jealousy to the most suspicious; and wished the " gentlemen of quality, who attended, to consider, " and advise of the way:" who shortly after (notwithstanding the opposition given by the committee, which still resided there; and the factious party of the county, which was inflamed, and governed by them) expressed a great alacrity to comply with his majesty's desire, in whatsoever should be proposed to them; and a sense, " that they thought a suffi- " cient guard was very necessary for the security of " his majesty's person." Hereupon, the king appointed such gentlemen as were willing to list themselves into a troop of horse, and made the prince of Wales their captain; and made choice of one regi-

[h] as] *Not in MS.*

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ment of the trained bands, consisting of about six hundred, whom he caused, every Saturday, to be paid at his own charge; when he had little more in his coffers than would defray the weekly expense of his table: and this troop, with this regiment, was the guard of his person; it being first declared by his majesty, "that no person should be suffered, "either in the troop, or the regiment, who did not, "before his admission into the service, take the "oaths of allegiance and supremacy;" that so he might be free from the scandal of entertaining papists for his security.

But this caution would not serve; the fears and jealousies were capable of no other remedies, than such as were prescribed by those physicians, who were practised in the disease. As soon as the intelligence was arrived at London, that the king actually had a guard, (though the circumstances were as well known that were used in the raising it,) both houses published these three votes, and dispersed them:

1. "That it appeared, that the king, seduced by "wicked counsel, intended to make war against the "parliament; who, in all their consultations and ac- "tions, had proposed no other end unto themselves, "but the care of his kingdoms, and the perform- "ance of all duty and loyalty to his person.

2. "That whensoever the king maketh war upon "the parliament, it is a breach of the trust reposed "in him by his people; contrary to his oath; and "tending to the dissolution of the government.

3. "That whosoever should serve him, or assist "him in such wars, are traitors by the fundamental "laws of the kingdom; and have been so adjudged

" by two acts of parliament, 2 Rich. II. and 1 Hen. IV. and ought to suffer as traitors."

These lusty votes they sent to the king to York, together with a short petition, in which they told him,

The two houses petition the king to dissolve his guards, May 23, 1642.

" That his loyal subjects, the lords and commons " in parliament, did humbly represent unto his ma- " jesty, that notwithstanding his frequent profes- " sions to his parliament and the kingdom, that his " desire and intention was only the preserving the " true protestant profession, the laws of the land, " the liberty of his people, and the peace of the " kingdom; nevertheless, they perceived with great " grief, by his speech of the twelfth of May, and " the paper printed in his majesty's name, in the " form of a proclamation, bearing date the four- " teenth of May, and other evidences, that, under " colour of raising a guard to secure his person, of " which guard (considering the fidelity and care of " his parliament) there could be no use, his majesty " did command troops, both of horse and foot, to " assemble at York; the very beginnings whereof " were apprehended by the inhabitants of that coun- " ty to be an affrightment and disturbance of his " liege people, as appeared by their petition pre- " sented to him; the continuing and increasing of " which forces was to his parliament, and must " needs be, a just cause of great jealousy, and dan- " ger to his whole kingdom.

" Therefore they did humbly beseech his majesty " to disband all such forces, as, by his command, " were assembled, and relying for his security (as " his predecessors had done) upon the laws, and af- " fections of his people, he would be pleased to de-

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" sist from any further designs of that nature, con-
" tenting himself with his usual and ordinary guards;
" otherwise, they should hold themselves bound in
" duty towards God, and the trust reposed in them
" by the people, and the fundamental laws and con-
" stitutions of the kingdom, to employ their care
" and utmost power to secure the parliament, and
" to preserve the peace and quiet of the kingdom."

To this petition, delivered publicly, and read with an equal confidence, by their lieger committee, his majesty answered,

His majesty's answer.

" That he could not but extremely wonder, that
" the causeless jealousies concerning his majesty,
" raised and fomented by a malignant party in the
" kingdom, which desired nothing more than to
" snatch to themselves particular advantages out of
" a general combustion, (which means of advantage
" should never be [i] ministered to them by his fault,
" or seeking,) should not be only able [k] to seduce a
" weak party in the kingdom, but seem to find so
" much countenance even from both houses, as that
" his raising of a guard, without further design
" than for the safety of his person, an action so le-
" gal, in a manner so peaceable, upon causes so evi-
" dent and necessary, should not only be looked
" upon, and petitioned against by them, as a cause
" of jealousy; but declared to be raising of a war
" against them, contrary to his former professions of
" his care of religion and law: and he no less won-
" dered, that that action of his should be said to
" be apprehended by the inhabitants of that county,
" as an affrightment and disturbance to his people,

[i] should never be] was never [k] be only able] only be able

" having been as well received there, as it was every " where to be justified; and (he spake of the gene- " ral, not of a few seduced particulars) assisted and " sped by that county with that loyal affection and " alacrity, as was a most excellent example, set to " the rest of the kingdom, of their care of his safety " upon all occasions; and should never be forgotten " by him, nor, he hoped, by his posterity; but " should be ever paid to them, in that, which is the " proper expression of a prince's gratitude, a per- " petual, vigilant care to govern them justly, and to " preserve the only rule, by which they can be so " governed, the law of the land: and, he said, he " was confident, that if they were themselves eye- " witnesses, they would so see the contrary, as to " give little present thanks, and, hereafter, little " credit to their informers; and, if they had no bet- " ter information and intelligence of the inclinations " and affections of the rest of the kingdom, certainly " the minds of his people (which to some ends and " purposes they did represent) were but ill repre- " sented unto them.

" He asked them, when they had so many months " together not contented themselves to rely for se- " curity, as their predecessors had done, upon the " affection of the people, but by their own single " authority had raised to themselves a guard, (and " that sometimes of no ordinary numbers, and in no " ordinary way,) and yet all those pikes and pro- " testations, that army, on one side, and that navy, " on the other, had not persuaded his majesty to " command them[1] to disband their forces, and to

[1] to command them] *Not in MS.*

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" content themselves with their ordinary, that was,
" no guard; or work in him an opinion, that they
" appeared to levy war against him, or had any fur-
" ther design; how it was possible, that the same
" persons should be so apt to suspect and condemn
" his majesty, who had been so unapt, in the same
" matter, upon much more ground, to tax or sus-
" pect them? This, he said, was his case, notwith-
" standing the care and fidelity of his parliament:
" his fort was kept by armed men against him; his
" proper goods first detained from him, and then,
" contrary to his command, by strong hand offered
" to be carried away; in which, at once, all his
" property as a private person, all his authority as a
" king, was wrested from him: and yet for him to
" secure himself in a legal way, that sir John Ho-
" tham might not by the same forces, or by more,
" raised by pretence of the same authority, (for he
" daily raised some, and it was no new thing for
" him to pretend orders, which he could not shew,)
" continue the war that he had levied against his
" majesty; and as well imprison his person, as de-
" tain his goods; and as well shut him up in York,
" as shut him out of Hull; was now said to be
" esteemed a cause of great jealousy to the parlia-
" ment, a raising a [m] war against them, and of dan-
" ger to the whole kingdom: whilst these injus-
" tices, and indignities offered to him, were counte-
" nanced by them, who ought to be most forward
" in his vindication, and their punishment, in obser-
" vation of their oaths, and trust reposed in them
" by the people, and to avoid the dissolution of the

[m] a-] *Not in MS.*

" present government. Upon which case, he said, " the whole world was to judge, whether his ma- " jesty had not reason, not wholly to rely upon the " care and fidelity of his parliament, being so " strangely blinded by malignant spirits, as not to " perceive his injuries; but to take some care of his " own person, and, in order to that, to make use of " that authority, which the laws declared to be in " his majesty: and, whether that petition, with " such a threatening conclusion, accompanied with " more threatening votes, gave him not cause, ra- " ther to increase, than to diminish his guards; " especially, since he had seen, before the petition, a " printed paper, dated the seventeenth of May, un- " derwritten by the clerk of the house of commons, " commanding, in the name of both lords and com- " mons, the sheriffs of all counties to raise the " power of all those counties, to suppress such of " his subjects, as, by any of his majesty's commands, " should be drawn together, and put (as that paper " called it) in a posture of war; charging all his " majesty's officers and subjects to assist them in it, " at their perils. For though, he said, he could not " suspect, that that paper, or any bare votes, not " grounded upon law or reason, or quotations of re- " pealed statutes, as those were of the 2 Rich. II. " and 1 Hen. IV. should have any ill influence upon " his good people, who knew their duties too well " not to know, that to take up arms against those, " who, upon a legal command of his majesty, came " together to a most legal end, (that was, his ma- " jesty's security and preservation,) were[n] to levy

[n] were] was

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" war against his majesty; yet, if that paper were
" really the act of both houses, he could not but
" look upon it as the highest of scorns and indigni-
" ties; first, to issue out[o] commands of force against
" him; and, after those had appeared useless, to
" offer, by petition, to persuade him to that, which
" that force should have effected.

" He said, he concluded his answer to their peti-
" tion with his counsel to them, that they would
" join with him in exacting satisfaction for that un-
" paralleled, and yet unpunished, action of sir John
" Hotham; and that they would command his fort
" and goods to be returned to his own hands: that
" they would lay down all pretences (under pre-
" tence of necessity, or declaring what is law) to
" make laws without his majesty, and, by conse-
" quence, but a cipher of his majesty: that they
" would declare effectually against tumults, and call
" in such pamphlets, (punishing the authors and
" publishers of them,) as seditiously endeavour to
" disable his majesty from protecting his people, by
" weakening, by false aspersions, and new false doc-
" trines, his authority with them, and their confi-
" dence in him: the particulars of which tumults
" and pamphlets, he said, he would long since have
" taken care his learned council should have been
" enabled to give in evidence, if, upon his former
" offer, his majesty had received any return of en-
" couragement from them in it: and, he said, if
" they did that, they would then, and hardly till
" then, persuade the world, that they had discharged
" their duty to God, the trust reposed in them by

[o] out] *Not in MS.*

"the people, and the fundamental laws and consti-
"tutions of the kingdom; and employed their care,
"and utmost power, to secure the parliament, (for,
"he said, he was still a part of the parliament, and
"should be, till this well-tempered monarchy was
"turned to a democracy,) and to preserve the peace
"and quiet of the kingdom; which, together with
"the defence of the protestant religion, the laws of
"the land, and his own just prerogative, (as a part
"of, and a defence to, those laws,) had been the
"main end, which, in his consultations and actions,
"he had proposed to himself."

It will be wondered at hereafter, that in a judging and discerning state, where men had, or seemed to have, their faculties of reason and understanding at the height; in a kingdom then unapt, and generally uninclined to war, (how wantonly soever it hath since seemed to throw away its peace,) those men, who had the skill and cunning, out of froward and peevish humours and indispositions, to compound fears and jealousies, and to animate and inflame those fears and jealousies into the most prodigious and the boldest rebellion, that any age or country ever brought forth; who very well saw and felt, that the king had not only, to a degree, wound himself out of that labyrinth, in which, four months before, they had involved him, with their privileges, fears, and jealousies; but had even so well informed the people, that they begun [p] to question both their logic and their law, and to suspect and censure the improvement and gradation of their fears, and the

[p] begun] began

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extent and latitude of their privileges; and that they were not only denied by the king, what they required, but that the king's reasons of his denial made very many conclude the unreasonableness of their demands: I say, it may seem strange, that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, "that the king did intend to make war "against the parliament;" when they were so far from apprehending, that he would be able to get an army to disturb them, that they were most assured, he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control; and that the offering to impose it did not awaken the people to an indignation, which might have confounded them: for, besides their presumption in endeavouring to search what the scripture itself told them was unsearchable, the heart of the king; the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consideration, even treason itself against the life of the king, without some overt, unlawful act, from whence, and other circumstances, the ill intention may be reasonably made appear; and therefore, to declare that the king intended to make war against his parliament, when he had neither ship, harbour, arms, nor[q] money, and knew not how to get any of them,[r] and when he offered to grant any thing to them, which they could pretend a justifiable reason

[q] nor] or [r] any of them,] either,

for asking, was an undertaking of that nature, that even the almightiness of a parliament might have despaired to succeed in.

But, notwithstanding all this, they very well knew what they did, and understood what infinite advantage that vote would (as it did) bring to them; and that a natural way would never bring them to their unnatural end. The power and reputation of parliament, they believed, would implicitly prevail over many; and amaze and terrify others from disputing or censuring what they did, and upon what grounds they did it. The difficulty was, to procure the judgment of parliament; and to incline those different constitutions, and different affections, to such a concurrence, as the judgment might not be discredited, by the number of the dissenters; nor wounded, or prejudged, by the reasons and arguments given against it: and then, their judgments of the cure being to be grounded upon the nature and information of the disease, it was necessary to confine and contract their fancies and opinions within some bounds and limits: the mystery of rebellion challenging the same encouragement with other sciences, to grow by; that there may be certain postulata, some principles and foundations, upon which the main building may subsist. So, in the case of the militia, an imminent danger must be first supposed, by which the kingdom is in apparent hazard,[s] and then the king's refusal to apply any remedy against that danger, before the two houses would pretend to the power of disposing that militia; it being too ridiculous to have pretended the natural

[s] in apparent hazard,] in an apparent danger,

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and ordinary jurisdiction over it: but, in case of danger, and danger so imminent, that the usual recourse would not serve the turn, and for the saving of a kingdom, which must otherwise be lost, many good men thought it was reasonable to apply a very extraordinary prevention, without imagining such a supposition might possibly engage them in any action, contrary to their own inclinations; and, without doubt, very many, who frankly voted that imminent necessity, were induced to it, as an argument, that the king should be therefore importuned to consent to the settlement; which would not have appeared so necessary a request, if the occasion had not been important; never suspecting, that it would have been improved into [t] an argument to them, to adventure the doing it without the king's consent. And it is not here unseasonable, (how merry soever it may seem to be,) as an instance of the incogitancy and inadvertency of those kind of votes and transactions, to remember, that the first resolution of the power of the militia being grounded upon a supposition of an imminent necessity, the ordinance first sent up from the commons to the lords, for the execution of the militia, expressed an *eminent* necessity; whereupon, some lords, who understood the difference of the words, and that an eminent necessity might be supplied by the ordinary provision, which, possibly, an *imminent* necessity might not safely attend, desired a conference with the commons for the amendment; which, I remember, was at last, with great difficulty, consented to: many (who, I presume, are not yet grown up to

[t] have been improved into] have proved

conceive the difference) supposing it an unnecessary contention for a word, and so yielding to them, for saving of time, rather than dispute[u] a thing which to them seemed of no great moment.[u]

They, who contrived this scene, never doubted but,[x] after a resolution what was to be done upon a supposed[y] necessity, they should easily, when they found it convenient, make that necessity real. It was no hard matter to make the fearful, apprehensive of dangers; and the jealous, of designs; and they wanted not evidence of all kinds; of[z] letters from abroad, and discoveries at home, to make those apprehensions formidable enough; and then, though, before the resolution, there was a great latitude in law and reason, what was lawfully to be done, they had now forejudged themselves, and resolved of the proper remedy, except they would argue against the evidence; which usually would have been to discountenance or undervalue some person of notable reputation, or his correspondence; and always to have opposed that that was of such an allay, as, in truth, did operate upon the major part. So, in the case upon which we now discourse, if they had, in the most advantageous article of their fury, professed the raising an army against the king, there was yet that reverence to majesty, and that spirit of subjection and allegiance in most men, that they would have looked upon it with opposition and horror: but defensive arms were more plausible divinity, and if the king should commit such an outrage, as to levy war against his parliament, to destroy the

[u] dispute—moment.] for the moment of the thing.

[x] but,] that,

[y] supposed] supposititious

[z] of] *Not in MS.*

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religion, laws, and liberty of the kingdom, good men were persuaded, that such a resistance might be made, as might preserve the whole; and he that would have argued against this thesis, besides the impertinency of arguing against a supposition, that was not like to be real, and in which the corrupt consideration of safety seemed to bribe most men, could never escape the censure of promoting tyranny and lawless dominion. Then to incline men to concur in the declaration "of the king's intention to make war against the parliament," they were persuaded it might have a good, and [a] could have no ill effect: the remedies, that were to be applied upon an actual levying of war, were not justifiable upon the intention; and the declaring this intention, and the dangers it carried with it to the king himself, and to all those who should assist him, would be a probable means of reforming such intention, and preventing the execution: inconvenience it could produce none, (for the disquieting or displeasing the king was not thought inconvenient,) if there were no progress in the supposed intention; if there were, it were fit the whole kingdom should stand upon its guard, and not be surprised to its confusion.

By these false and fallacious mediums, the clearness of men's understandings were dazzled; and, upon the matter, all their opinions, and judgments for the future, captivated and preengaged by their own votes and determinations. For, how easy a matter is it[b] to make it appear to that man, who consented that the king intended to make war

[a] and] *Not in MS.* [b] is it] was it

against the parliament, that when he should do it, he had broken his oath, and dissolved his government; and that whosoever should assist him were traitors; I say, how easy was it to persuade that man, that he was obliged to defend the parliament; to endeavour to uphold that government; and to resist those traitors? and, whosoever considers that the nature of men, especially of men in authority, is inclined rather to commit two errors, than to retract one, will not marvel, that from this root of unadvisedness, so many and tall branches of mischief have proceeded. And therefore it were to be wished, that those, who have the honour to be trusted in public consultations, were endued with so much natural logic, to discern the consequences of every public act and conclusion; and with so much conscience and courage, to watch the first impressions upon their[c] understanding and compliance: and that[d], neither out of the impertinency of the thing, which men are all apt[e] to conclude out of impatiency of despatch; or out of stratagem to make men odious, (as in this parliament many forbore to oppose unreasonable resolutions, out of an opinion, that they would make the contrivers odious,) or upon any other (though seeming never so politic) considerations, they[f] consent not[g] to any propositions, by which truth or justice are invaded. I am[h] confident, with very good warrant, that many men have, from their souls, abhorred every article of this rebellion; and heartily deprecated the miseries and desolation we have suffered by it, who have them-

[c] their] his
[d] that] *Not in MS.*
[e] all apt] too apt
[f] they] he
[g] not] *Not in MS.*
[h] I am] And I am

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selves, with great alacrity and[i] industry, contributed to, if not contrived, those very votes and conclusions, from whence the evils they abhor have most naturally and regularly flowed, and been deduced; and which they could not reasonably, upon their own concessions, contradict and oppose.

But to conclude, a man shall not unprofitably spend his contemplation, that, upon this occasion, considers the method of God's justice, (a method terribly remarkable in many passages, and upon many persons, which we shall be compelled to remember in this discourse,) that the same principles, and the same application of those principles, should be used to the wresting all sovereign power from the crown, which the crown had a little before made use of for the extending its authority and power beyond its bounds, to the prejudice of the just rights of the subject. A supposed necessity was then thought ground enough to create a power, and a bare averment of that necessity, to beget a practice to impose what tax they thought convenient upon the subject, by writs of ship-money never before known; and a supposed necessity now, and a bare averment of that necessity, is as confidently, and more fatally, concluded a good ground to exclude the crown from the use of any power, by an ordinance never before heard of; and the same maxim of *salus populi suprema lex*, which had been used to the infringing the liberty[k] of the one, made use of for the destroying the rights of the other: only that of the psalmist is yet inverted; for many of those, who were the principal makers of the first pit, are so far from

[i] and] and some

[k] liberty] liberties

falling into it, that they have been the chiefest diggers of the second ditch, in which so many have been confounded. BOOK V. 1642.

Though they had yet no real apprehension, that the king would be able, in the least degree, to raise a force against them, yet they were heartily enraged to find that he lived more like a king, than they wished he should; that there was so great resort to him from all parts; and that whereas, little more than two months before, his own servants durst hardly avow the waiting on him, now the chief gentlemen of all counties travelled to him, to tender their service; which implied a disapprobation, at least, if not a contempt of the two houses' carriage[1] towards him. Therefore, to prevent this mischief, they easily found exception to, and information against, some persons, who had resorted to York; whom they sent the sergeant of the house of commons to apprehend, and bring them before the house as delinquents, to answer such matters as should be objected against them. In this number there was one Beckwith, a gentleman of Yorkshire, who, as sir John Hotham had sent them word, had endeavoured to corrupt some officers of the garrison to deliver Hull up to the king; this they declared to be a very heinous crime, and little less than high treason; and therefore concluded him a delinquent, and to be sent for to attend them: it was thought strangely ridiculous by standers by, that sir John Hotham should be justified for keeping the town against the king, and another gentleman be voted a

[1] the two houses' carriage] their carriage

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delinquent for designing to recover it to its allegiance; and that they, who, but few days before, when the king had sent a warrant to require sergeant-major Skippon to attend his majesty at York, resolved, and published their resolution[m] in print, (as they did all things, which they conceived might diminish the reputation of the king, or his authority,) "that such command from his majesty was "against the law of the land, and the liberty of the "subject, and likewise (the person being employed "by them to attend their service against the privi-"lege of parliament; and therefore, that their ser-"geant-major-general of the forces of London (that "was his style) should continue to attend the ser-"vice of both houses according to their former com-"mands;" should expect that their warrant should be submitted to by those, who were waiting on the king, whose known legal authority, severed from any thing that might be understood to relate to the parliament, or its privileges, they had so flatly contradicted and contemned, that the same day on which they redeemed their officer Skippon from his allegiance, and duty of going to the king, being informed, that the king had sent a writ to adjourn the term (Midsummer term) to York from Westminster, which, without all question, was in his power legally to do,[n] they declared, "that the king's re-"moving of the term to York from Westminster, "sitting the parliament, was illegal;" and ordered, "that the lord keeper should not issue out any

[m] resolution] resolutions

[n] which, without all question, was in his power legally to do,] which was as much in his power legally to do as to make a knight.

"writs, or seal any proclamation, to that purpose;" which was by him observed accordingly, notwithstanding the king's command for the adjournment.

When their officer came to York for the apprehension of the delinquents, he found the same neglect there of the parliament, as was[o] found above of the king; and was so ill intreated by those, whom he looked upon as his prisoners, that, if the king's extraordinary provision had not been interposed, the messenger would scarce have returned to have reported how uncurrent such warrants were like to be in York, and how perilous such voyages might prove to the adventurers: but how amazed or surprised soever they seemed to be with this new contradiction, it was no more than they looked for; for their dilemma was, if their messenger returned with his prize, all the resort to, and all the glory of York was determined; for no man would repair thither, from whence the bare voting him a delinquent would remove him with those other inconvenient circumstances of censure and imprisonment: if he returned neglected and affronted, as they presumed he would, they had a new reproach for the king, "of "protecting delinquents against the justice of par-"liament;" which would be a new breach of their privileges, as heinous and unpopular, as had yet been made, and for the vindication whereof their protestation would no less oblige them, than it had done on the behalf of the five members. And such votes they passed upon the return of their officer; and had in readiness prepared two voluminous declarations to the people, which they published about the

[o] as was] as he

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same time;[p] the one[q] filled with all the reiterated complaints, and envenomed repetitions, of what had been done, or been thought to have been done amiss in the whole reign of the king, to render his person odious, or unacceptable; the other[r] undervaluing his royal power, and declaring against it, to make his authority despised, at least not feared.

The first was of the nineteenth of May, in which they declared,

The declaration or remonstrance of the lords and commons, May 19, 1642.

"That the infinite mercy and providence of the "Almighty God had been abundantly manifested, "since the beginning of this parliament, in great "variety of protections and blessings; whereby he "had not only delivered them from many wicked "plots and designs, which, if they had taken effect, "would have brought ruin and destruction upon the "kingdom; but, out of those attempts, had pro- "duced divers evident and remarkable advantages, "to the furtherance of those services, which they "had been desirous to perform to their sovereign "lord the king, and to the church and state, in pro- "viding for the public peace, and prosperity of his "majesty, and all his realms; which, in the pre- "sence of the same all-seeing Deity, they protested "to have been, and still to be, the only end of all "their counsels and endeavours; wherein they had "resolved to continue freed and enlarged from all "private aims, personal respects, or passions what- "soever.

"In which resolution, they said, they were no- "thing discouraged, although the heads of the ma- "lignant party disappointed of their prey, the reli-

[p] the same time;] a time;
[q] the one] in the one
[r] the other] in the other by

" gion and liberty of the kingdom, which they were
" ready to seize upon and devour before the begin-
" ning of this parliament, had still persisted, by new
" practices, both of force and subtilty, to recover
" the same again; for which purpose they had made
" several attempts for bringing up the army; they
" afterwards projected the false accusation of the
" lord Kimbolton, and the five members of the house
" of commons, which being in itself of an odious na-
" ture, they had yet so far prevailed with his ma-
" jesty, as to procure him to take it upon himself;
" but when the unchangeable duty and faithfulness
" of the parliament could not be wrought upon, by
" such a fact as that, to withdraw any part of their
" reverence and obedience from his majesty, they
" had, with much art and industry, advised his ma-
" jesty to suffer divers unjust scandals and imputa-
" tions upon the parliament, to be published in his
" name, whereby they might make it odious to the
" people, and, by their help, destroy[s] that, which
" hitherto had been the only means of their own
" preservation.

" For this purpose, they had drawn his majesty
" into the northern parts far from the parliament;
" that so false rumours might have time to get cre-
" dit, and the just defences of the parliament find a
" more tedious, difficult, and disadvantageous ac-
" cess, after those false imputations and slanders had
" been first rooted in the apprehension of his ma-
" jesty and his subjects; which the more speedily to
" effect, they had caused a press to be transported
" to York, from whence several papers and writings

[s] destroy] to destroy

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" of that kind were conveyed to all parts of the " kingdom, without the authority of the great seal, " in an unusual and illegal manner, and without " the advice of his majesty's privy-council; from the " greater and better part whereof having withdrawn " himself, as well as from his great council of par- " liament, he was thereby exposed to the wicked " and unfaithful counsels of such, as had made the " wisdom and justice of the parliament dangerous " to themselves; and that danger they laboured to " prevent by hiding their own guilt under the name " and shadow of the king; infusing into him their " own fears, and, as much as in them lay, aspersing " his royal person and honour with their own in- " famy; from both which it had always been as " much the care, as it was the duty of the parlia- " ment to preserve his majesty, and to fix the guilt " of all evil actions and counsels upon those who had " been the authors of them.

" Among[t] divers writings of that kind, they said, " they, the lords and commons in parliament, had " taken into their consideration two printed papers; " the first containing a declaration, which they had " received from his majesty, in answer to that which " had been presented to his majesty from both houses " at Newmarket, the ninth of March, 1641; the " other, his majesty's answer to the petition of both " houses, presented to his majesty the twenty-sixth " of March, 1642. Both which were filled with " harsh censures, and causeless charges upon the " parliament; concerning which they held it neces- " sary to give satisfaction to the kingdom; seeing

[t] Among] Amongst

" they found it very difficult to satisfy his majesty, " whom, to their great grief, they had found to be " so engaged to, and possessed by those misappre- " hensions, which evil counsellors have wrought in " him, that their most humble and faithful remon- " strances had rather irritated and embittered, than " any thing allayed, or mitigated, the sharp expres- " sions, which his majesty had been pleased to make " in answer to them; for the manifestation whereof, " and of their own innocency, they desired that all " his majesty's loving subjects might take notice of " these particulars:

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" They knew no occasion given by them, which " might move his majesty to tell them, that in their " declaration, presented at Newmarket, there were " some expressions different from the usual language " to princes: neither did they tell his majesty, either " in words or in effect, that if he did not join with " them in an act, which he conceived might prove " prejudicial and dangerous to himself and the whole " kingdom, they would make a law without him, " and impose it upon the people. That which they " desired, they said, was, that, in regard of the im- " minent danger of the kingdom, the militia, for the " security of his majesty and his people, might be " put under the command of such noble and faith- " ful persons, as they had all cause to confide in: " and such was the necessity of this preservation, " that they declared, that, if his majesty should re- " fuse to join with them therein, the two houses of " parliament, being the supreme court, and highest " council of the kingdom, were enabled, by their " own authority, to provide for the repulsing of " such imminent and evident danger, not by any

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" new law of their own making, as had been un-
" truly suggested to his majesty, but by the most
" ancient law of the kingdom, even that which is
" fundamental and essential to the constitution and
" subsistence of it.

" Although they never desired, they said, to en-
" courage his majesty to such replies as might pro-
" duce any contestation between him and his parlia-
" ment, of which they never found better effect, than
" loss of time, and hinderance of the public affairs;
" yet they had been far from telling him of how
" little value his words would be with them, much
" less when they were accompanied with actions of
" love and justice. They said, he had more reason
" to find fault with those wicked counsellors, who
" had so often bereaved him of the honour, and his
" people of the fruit of many gracious speeches,
" which he had made to them, such as those in the
" end of the last parliament; that, on[u] the word of
" a king, and as he was a gentleman, he would re-
" dress the grievances of his people, as well out of
" parliament as in it. They asked, if the searching
" the studies and chambers, yea, the pockets of some,
" both of the nobility and commons, the very next
" day; the commitment of Mr. Bellasis, sir John
" Hotham, and Mr. Crew; the continued oppres-
" sions by ship-money, coat and conduct money;
" with the manifold imprisonments, and other vex-
" ations thereupon, and other ensuing violations of
" the laws and liberties of the kingdom, (all which
" were the effects of evil counsel, and abundantly
" declared in their remonstrance of the state of the

[u] on] in

" kingdom,) were[x] actions of love and justice, suit-
" able to such words as those?

" As gracious was his majesty's speech in the be-
" ginning of this parliament; that he was resolved
" to put himself freely and clearly upon the love
" and affection of his English subjects. They asked
" whether his causeless complaints and jealousies,
" the unjust imputations so often cast upon his par-
" liament, his denial of their necessary defence by
" the ordinance of the militia, his dangerous absent-
" ing himself from his great council, like to produce
" such a mischievous division in the kingdom, had
" not been more suitable to other men's evil coun-
" sels, than to his own words? Neither, they said,
" had his latter speeches been better used, and pre-
" served by those evil and wicked counsellors. Could
" any words be fuller of love and justice, than those
" in his answer to the message sent to the house of
" commons, the thirty-first of December, 1641: We
" do engage unto you solemnly the word of a king,
" that the security of all and every one of you from
" violence is, and ever shall be, as much our care,
" as the preservation of us, and our children? And
" could any actions be fuller of injustice and vio-
" lence, than that of the attorney general, in falsely
" accusing the six members of parliament, and the
" other proceedings thereupon, within three or four
" days after that message? For the full view where-
" of, they desired the declaration made of those pro-
" ceedings might be perused; and by those in-
" stances (they could add many more) the world
" might judge who deserved to be taxed with dis-

[x] were] *Not in MS.*

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"valuing his majesty's words, they who had, as "much as in them lay, stained and sullied them "with such foul counsels; or the parliament, who "had ever manifested, with joy and delight, their "humble thankfulness for those gracious words, "and actions of love and justice, which had been "conformable thereunto.

"The king, they said, had been pleased to dis- "avow the having any such evil counsel or coun- "sellors, as were mentioned in their declaration, to "his knowledge; and they held it their duty hum- "bly to avow there were such; or else they must "say, that all the ill things done of late in his ma- "jesty's name had been done by himself; wherein "they should neither follow the direction of the "law, nor the affection of their own hearts, which "was, as much as might be, to clear his majesty "from all imputation of misgovernment, and to lay "the fault upon his ministers. The false accusing "of six members of parliament; the justifying Mr. "Attorney, in that false accusation; the violent "coming to the house of commons; the denial of "the militia; the sharp messages to both houses, "contrary to the customs of former kings; the long "and remote absence of his majesty from parlia- "ment; the heavy and wrongful taxes upon both "houses; the cherishing and countenancing a dis- "contented party in the kingdom against them, "were certainly the fruits of very evil counsels, apt "to put the kingdom into a combustion, to hinder "the supplies of Ireland, and to countenance the "proceedings and pretensions of the rebels there: "and the authors of these evil counsels, they con- "ceived, must needs be known to his majesty; and

" they hoped their labouring with his majesty, to " have those discovered, and brought to a just cen- " sure, would not so much wound his honour in the " opinion of his good subjects, as his labouring to " preserve and conceal them.

" And whereas his majesty had said, he could " wish that his own immediate actions, which he " avowed, and his own honour, might not be so " roughly censured under the [y] common style of evil " counsellors; they said, that they could also heart- " ily wish that they had not cause to make that " style so common; but how often and undutifully " soever those wicked counsellors should fix their " dishonour upon the king, by making his majesty " the author of those evil actions, which were the " effects of their own evil counsels, they, his ma- " jesty's loyal and dutiful subjects, could use no " other style, according to that maxim of the law, " *the king can do no wrong;* but if any ill were " committed in matter of state, the council; if in " matter of justice, the judges must answer for it.

" They said, they had laid no charge upon his " majesty, which should put him upon that apology, " concerning his faithful and jealous affection of the " protestant profession: neither did his majesty en- " deavour to clear those in greatest authority about " him, by whom they had said that design had been " potently carried on for divers years; and they ra- " ther wished that the mercies of heaven, than the " judgments, might be manifested upon them; but " that there had been such, there were [z] such plen- " tiful and frequent evidences, that they believed

[y] the] that [z] were] had been

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" there was none, either protestant or papist, who " had had any reasonable view of the passages of " latter times, but, either in fear or hope, did ex- " pect a sudden issue of that design.

" They said, they had no way transgressed against " the Act of Oblivion, by remembering the intended " war against Scotland, as a branch of that design " to alter religion by those wicked counsels, from " which God did then deliver them, which they " ought never to forget.

" That the rebellion in Ireland was framed and " cherished by the popish and malignant party in " England, was not only affirmed by the rebels, but, " they said, might be cleared by many other proofs: " the same rebellious principles of pretended reli- " gion, the same politic ends were apparent in both, " and their malicious designs and practices were " masked and disguised with the same false colour " of their earnest zeal to vindicate his majesty's " prerogative, from the supposed oppression of the " parliament. How much those treacherous pre- " tences had been countenanced, by some evil coun- " cil about his majesty, might appear in this, that " the proclamation, whereby they were declared " traitors, was so long withheld, as to the second of " January, though the rebellion broke[a] forth in Oc- " tober before, and then no more than forty copies " appointed to be printed; with a special command " from his majesty not to exceed that number; and " that none of them should be published, till his " majesty's pleasure was further signified, as by the " warrant appears, a true copy whereof was annexed

[a] broke] brake

" to this declaration; so that a few only could take
" notice of it; which was made more observable, by
" the late contrary proceedings against the Scots,
" who were in a very quick and sharp manner pro-
" claimed; and those proclamations forthwith dis-
" persed, with as much diligence as might be,
" throughout all the kingdom, and ordered to be
" read in all churches, accompanied with public
" prayers and execrations. Another evidence of fa-
" vour and countenance to the rebels in some of
" power about his majesty, was this, that they had
" put forth, in his majesty's name, a causeless com-
" plaint against the parliament, which speaks the
" same language of the parliament which the rebels
" do, thereby to raise a belief in men's minds, that
" his majesty's affections were alienated, as well as
" his person was removed, from that his great coun-
" cil. All which, they said, did exceedingly retard
" the supplies of Ireland, and more advance the
" proceedings of the rebels, than any jealousy or
" misapprehension begotten in his subjects, by the
" declaration of the rebels, injunction of Rosetti, or
" information of Tristram Whetcomb; so that, con-
" sidering the present state and temper of both
" kingdoms, his royal presence was far more neces-
" sary here, than it could be in Ireland, for redemp-
" tion or protection of his subjects there.

" And whether there were cause of[b] his ma-
" jesty's great indignation, for being reproached to
" have intended force or threatening to the parlia-
" ment, they desired them to consider who should

[b] of] for

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" read their declaration, in which there was no
" word tending to any such reproach; and certain-
" ly, they said, they had been more tender of his
" majesty's honour in that point, than he, whoso-
" ever he was, that did write that declaration;
" where, in his majesty's name, he did call God to
" witness, he never had any such thought, or knew
" of any such resolution of bringing up the army;
" which truly, they said, would seem strange to
" those, who should read the deposition of Mr. Go-
" ring, the [c] information of Mr. Percy, and divers
" other examinations of Mr. Wilmot, Mr. Pollard,
" and others; the other examination of captain Leg,
" sir Jacob Ashley, and sir John Conyers; and con-
" sider the condition and nature of the petition,
" which was sent unto sir Jacob Ashley, under the
" approbation of C. R. which his majesty had now
" acknowledged to be his own hand; and, being
" full of scandal to the parliament, might have
" proved dangerous to the whole kingdom, if the
" army should have interposed betwixt the king
" and them, as was desired.

" They did not affirm that his majesty's warrant
" was granted for the passage of Mr. Jermyn, after
" the desire of both houses for restraint of his ser-
" vants; but only that he did pass over, after that
" restraint, by virtue of such a warrant. They
" knew the warrant bore date the day before their
" desire; yet, they said, it seemed strange to those,
" who knew how great respect and power Mr. Jer-
" myn had in court, that he should begin his jour-

[c] the] *Not in MS.*

" ney in such haste, and in apparel so unfit for tra-
" vel, as a black satin suit, and white boots, if his
" going away was designed the day before.

" The accusation of the lord Kimbolton, and the
" five members of the house of commons, was called
" a breach of privilege; and truly so it was, and a
" very high one, far above any satisfaction that had
" been yet given: for, they asked, how it could be
" said to be largely satisfied, so long as his majesty
" laboured to preserve Mr. Attorney from punish-
" ment, who was the visible actor in it? So long as
" his majesty had not only justified him, but by his
" letter declared, that it was his duty to accuse
" them, and that he would have punished him, if
" he had not done it? So long as those members
" had not the means of clearing their innocency,
" and the authors of that malicious charge were [d]
" undiscovered, though both houses of parliament
" had several times petitioned his majesty to dis-
" cover them, and that, not only upon the [e] grounds
" of common justice, but by act of parliament, his
" majesty was bound to do it? So long as the king
" refused to pass a bill for their discharge, alleging
" that the narrative in that bill was against his ho-
" nour; whereby he seemed still to avow the mat-
" ter of that false and scandalous accusation, though
" he deserted the prosecution, offering to pass a bill
" for their acquittal; yet with intimation that they
" must desert the avowing their own innocency,
" which would more wound them in honour, than
" secure them in law? And in vindication of that
" great privilege of parliament, they did not know

[d] were] *Not in MS.* [e] the] *Not in MS.*

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"that they had invaded any privilege belonging to "his majesty, as had been alleged in that declara- "tion.

"But, they said, they looked not upon that only "in the notion of a breach of privilege, which "might be, though the accusation were true or "false; but under the notion of a heinous crime in "the attorney, and all other subjects, who had a "hand in it; a crime against the law of nature, "against the rules of justice; that innocent men "should be charged with so great an offence as "treason, in the face of the highest judicatory of "the kingdom, whereby their lives and estates, "their blood and honour, were endangered, without "witness, without evidence, without all possibility "of reparation in a legal course; yet a crime of "such a nature, that his majesty's command can no "more warrant, than it can any other act of injus- "tice. These things, which were evil in their own "nature, such as a false testimony, or false accusa- "tion, could not be the subject of any command, or "induce any obligation of obedience upon any man, "by any authority whatsoever: therefore the at- "torney, in that case, was bound to have refused to "execute such a command, unless he had some "such[f] evidence or testimony, as might have war- "ranted him against the parties, and be liable to "make satisfaction, if it should prove false; and it "was sufficiently known to every man, and ad- "judged in parliament, that the king could be nei- "ther the relater, informer, or witness. If it should "rest as it was, without further satisfaction, no fu-

[f] such] *Not in MS.*

" ture parliament could be safe, but that the mem-
" bers might be taken, and destroyed at pleasure;
" yea the very principles of government and justice
" would be in danger to be dissolved.

" They said, they did not conceive, that numbers
" did make an assembly unlawful, but when either
" the end, or manner of their carriage should be un-
" lawful. Divers just occasions might draw the
" citizens to Westminster; where many public and
" private petitions, and other causes, were depend-
" ing in parliament; and why that should be found
" more faulty in the citizens, than the resort every
" day in the term of great numbers to the ordinary
" courts of justice, they knew not: that those citi-
" zens were notoriously provoked, and assaulted at
" Westminster by colonel Lunsford, captain Hyde,
" and others, and by some of the servants of the
" archbishop of York, was sufficiently proved; and
" that afterwards they were more violently wounded,
" and most barbarously mangled with swords, by
" the officers and soldiers near Whitehall, many of
" them being without weapons, and giving no cause
" of distaste, was likewise proved by several testi-
" monies; but of any scandalous or seditious misde-
" meanours of theirs, that might give his majesty
" good cause to suppose his own person, or those of
" his royal consort or children, to be in apparent
" danger, they had no proof ever offered to either
" house; and if there had been any complaint of
" that kind, it was no doubt the houses would have
" been as forward to join in an order, for the sup-
" pressing of such tumults, as they were, not long
" before, upon another occasion, when they made
" an order to that purpose; whereas those officers

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" and soldiers, which committed that violence upon " so many of the citizens at Whitehall, were che- " rished and fostered in his majesty's house; and " when, not long after, the common council of Lon- " don presented a petition to his majesty for repara- " tion of those injuries, his majesty's answer was, " without hearing the proof of the complaints,[g] that " if any citizen were wounded, or ill entreated, his " majesty was confidently assured, that it happened " by their own evil and corrupt demeanours.

" They said, they hoped, it could not be thought " contrary to the duty and wisdom of a parliament, " if many concurring, and frequently reiterated and " renewed advertisements from Rome, Venice, Paris, " and other parts, if the solicitations[h] of the pope's " nuncio, and their own discontented fugitives, did " make them jealous and watchful for the safety of " the state: and they had been very careful to " make their expressions thereof so easy, and so " plain to the capacity and understanding of the " people, that nothing might justly stick with them, " with reflection upon the person of his majesty: " wherein they appealed to the judgment of any in- " different person, who should read and peruse their " own words.

" They said, they must maintain the ground of " their fears to be of that moment, that they could " not discharge the trust and duty that lay upon " them, unless they did apply themselves to the use " of those means, to which the law had enabled " them in cases of that nature, for the necessary de- " fence of the kingdom; and as his majesty did

[g] complaints,] complainants. [h] solicitations] solicitation

" graciously declare, that the law should be the " measure of his power; so did they most heartily " profess, that they should always make it the rule " of their obedience. Then they observed, that there " were certain prudent omissions in his majesty's " answer; and said, that the next point of their de- " claration was, with much caution, artificially passed " over by him who drew his majesty's answer; it " being indeed the foundation of all their misery, " and his majesty's trouble, that he was pleased to " hear general taxes upon his parliament, without " any particular charge, to which they might give " satisfaction; and that he had often conceived dis- " pleasure against particular persons, upon misin- " formation; and although those informations had " been clearly proved to be false, yet he would " never bring the accusers to question; which did " lay an impossibility upon honest men of clearing " themselves, and gave an encouragement to false " and unworthy persons to trouble him with untrue " and groundless informations. Three particulars " they had mentioned in their declaration, which " the penner of his majesty's answer[i] had good " cause to omit: the words supposed to have been " spoken[k] at Kensington; the pretended articles " against the queen; and the groundless accusation " of the six members of[l] parliament; there being " nothing to be said in defence, or denial of any of " them.

" Concerning his majesty's desire to join with his " parliament, and with his faithful subjects, in de-

[i] answer] declaration

[k] to have been spoken] to be spoken

[l] of] of the

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" fence of religion, and the[m] public good of the " kingdom, they said, they doubted not he would " do it fully, when evil counsellors should be re- " moved from about him; and until that should be, " as they had shewed before of words, so must they " also say of laws, that they could not secure them: " witness the Petition of Right, which had been fol- " lowed with such an inundation of illegal taxes, " that they had just cause to think, that the pay- " ment of eight hundred and twenty thousand " pounds, was an easy burden to the commonwealth " in exchange of them; and they could not but " justly think, that if there were a continuance of " such ill counsellors, and favour to them, they " would, by some wicked device or other, make the " bill for the triennial parliament, and those other " excellent laws mentioned in his majesty's declar- " ation, of less value than words. That excellent " bill for the continuance of this parliament, they " said, was so necessary, that without it they could " not have raised so great sums of money for the " service of his majesty and the commonwealth, as " they had done, and without which the ruin and " destruction of the kingdom must needs have fol- " lowed: and, they were resolved, the gracious fa- " vour of his majesty, expressed in that bill, and the " advantage and security which thereby they had " from being dissolved, should not encourage them " to do any thing, which otherwise had not been fit " to have been done. And they were ready to make " it good before all the world, that though[n] his ma- " jesty had passed many bills very advantageous for

[m] the] *Not in MS.*

[n] though] although

" the subject, yet in none of them had they bereaved " his majesty of any just, necessary, or profitable " prerogative of the crown.

" They said, they so earnestly desired his ma- " jesty's return to London, for[o] that upon it, they " conceived, depended the very safety and being of " both his kingdoms: and therefore they must pro- " test, that, as for the time past, neither the govern- " ment of London, nor any laws of the land, had " lost their life and force for his security, so for the " future they should be ready to do or say any thing, " that might stand with the duty or honour of a par- " liament, which might raise a mutual confidence " between his majesty and them, as they did wish, " and as the affairs of the kingdom did require.

" Thus far, they said, the answer to that, which " was called his majesty's declaration, had led them. " Now they came to that, which was entitled his " majesty's answer to the petition of both houses, " presented to him at York, the twenty-sixth of " March, 1642. In the beginning whereof, his ma- " jesty wished, that their privileges on all parts were " so stated, that that way of correspondency might " be preserved with that freedom, which had been " used of old. They said, they knew nothing intro- " duced by them, that gave any impediment there- " unto; neither had they affirmed their privileges " to be broken, when his majesty denied them any " thing, or gave a reason why he could not grant it; " or that those, who advised such denial, were ene- " mies to the peace of the kingdom, and favourers " of[p] the Irish rebellion; in which aspersion, that

[o] for] *Not in MS.* [p] of] to

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" was turned to a general assertion,[q] which, in their " votes, was applied[r] to a particular case; wherefore " they must maintain their votes, that to contradict[s] " that, which both houses, in the question concern- " ing the militia, had declared to be law, and com- " mand it should not be obeyed, is a high breach of " privilege, and that those, who advised his majesty " to absent himself from his parliament, were ene- " mies to the peace of the kingdom, and justly to " be suspected to be favourers of the rebellion in " Ireland. The reasons of both were evident, be- " cause in the first there was as great a derogation " from the trust and authority of parliament; and, " in the second, as much advantage to the proceed- " ings and hopes of the rebels, as might be; and " they held it a very causeless imputation upon the " parliament, that they had therein any way im- " peached, much less taken away the freedom of his " majesty's vote; which did not import a liberty in " his majesty, to deny any thing how necessary so- " ever for the preservation of the kingdom, much " less a licence to evil counsellors, to advise any " thing, though never so destructive to his majesty " and his people.

" By the message of the twentieth of January, " his majesty had propounded to both houses of par- " liament, that they would, with all speed, fall into " a serious consideration of all those particulars " which they thought necessary, as well for the " upholding and maintaining of his majesty's just " and regal authority, and for the settling his re-

[q] assertion,] aspersion,
[r] was applied] was turned
[s] that to contradict] that those who advised his majesty to contradict

" venue, as for the present and future establishing " their privileges; the free and quiet enjoying their " estates; the liberties of their persons; the secu- " rity of the true religion, professed in the church " of England; and the settling of ceremonies, in " such a manner, as might take away all just of- " fence, and digest[t] it into one entire body.

" To that point of upholding and maintaining his " royal authority, they said, nothing had been done " to the prejudice of it, that should require any new " provision: to the other of settling the revenue, the " parliament had no way abridged or disordered his " just revenue; but it was true, that much waste and " confusion of his majesty's estate had been made by " those evil and unfaithful ministers, whom he had " employed in the managing of it; whereby his own " ordinary expenses would have been disappointed, " and the safety of the kingdom more endangered, " if the parliament had not, in some measure, pro- " vided for his household, and for some of the forts, " more than they were bound to do; and they were " still willing to settle such a revenue upon his ma- " jesty, as might make him live royally, plentifully, " and safely; but they could not, in wisdom and fide- " lity to the commonwealth, do that, till he should " choose such counsellors and officers, as might order " and dispose it to the public good, and not apply it " to the ruin and destruction of his people, as here- " tofore it had been. But that, and the other mat- " ters concerning themselves, being works of great " importance, and full of intricacy, would require " so long a time of deliberation, that the kingdom

digest] to digest

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" might be ruined before they could effect them:
" therefore they thought it necessary, first to be
" suitors to his majesty, so to order the militia, that,
" the kingdom being secured, they might, with more
" ease and safety, apply themselves to debate of that
" message, wherein they had been interrupted, by his
" majesty's denial of the ordinance concerning the
" same; because it would have been in vain for them
" to labour in other things, and in the mean time to
" leave themselves naked to the malice of so many
" enemies, both at home and abroad; yet they had
" not been altogether negligent of those things,
" which his majesty had been pleased to propound
" in that message: they had agreed upon a book of
" rates in a larger proportion, than had been grant-
" ed to any of his majesty's predecessors, which
" was a considerable support of his majesty's public
" charge; and had likewise prepared divers propo-
" sitions, and bills, for preservation of their religion
" and liberties, which they intended shortly to pre-
" sent to his majesty; and to do whatsoever was fit
" for them, to make up that unpleasant breach be-
" tween his majesty and the parliament.

" Whereas divers exceptions had been taken con-
" cerning the militia; first, that his majesty never
" denied the thing, but accepted the persons, (except
" for corporations,) only that he denied the way; to
" which they answered, that that exception took
" off London, and all other great towns and cities,
" which make[u] a great part of the kingdom; and for
" the way of ordinance, it is ancient, more speedy,
" more easily alterable, and, in all these and other

[u] make] makes

" respects, more proper, and more applicable to the
" present occasion, than a bill; which his majesty
" called the good old way of imposing upon the sub-
" jects. It should seem, that neither his majesty's
" royal predecessors, nor their ancestors, had hereto-
" fore been of that opinion; 37 Edw. III. they said,
" they found this record: The chancellor made de-
" claration of the challenge of the parliament; the
" king desires to know the griefs of his subjects,
" and to redress enormities. The last day of the
" parliament, the king demanded of the whole es-
" tates, whether they would have such things as
" they agreed on, by way of ordinance, or statute?
" who answered, by way of ordinance, for that they
" might amend the same at their pleasures; and so
" it was.

" But his majesty objected further, that there was
" somewhat in the preface, to which he could not
" consent with justice to his honour and innocence;
" and that thereby he was excluded from any power
" in the disposing of it. These objections, they said,
" might seem somewhat, but indeed would appear
" nothing, when it should be considered, that no-
" thing in the preamble laid any charge upon his
" majesty, or in the body of the ordinance, that ex-
" cludes his royal authority in the disposing or exe-
" cution of it: but only it was provided, that it
" should be signified by both houses of parliament,
" as that channel, through which it would be best
" derived, and most certainly to those ends for which
" it was intended; and let all the world judge whe-
" ther they had not reason to insist upon it, that the
" strength of the kingdom should rather be ordered

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" according to the advice or direction of the great " council of the land, intrusted by the king, and by " the kingdom, than that the safety of the king, par- " liament, and kingdom, should be left at the devo- " tion of a few unknown counsellors, many of them " not intrusted at all by the king in any public way, " nor at all confided in by the kingdom.

" They wished the danger were not imminent, or " not still continuing, but could not conceive, that " the long time spent in that debate was evidence " sufficient, that there was no such necessity or dan- " ger, but a bill might easily have been prepared; " for, when many causes do concur to the danger of " a state, the interruption of any one might hinder " the execution of the rest, and yet the design be " still kept on foot, for better opportunities. Who " knew, whether the ill success of the rebels in Ire- " land had not hindered the insurrection of the pa- " pists here? Whether the preservation of the six " members of the parliament, falsely[v] accused, had " not prevented that plot of the breaking the neck " of this parliament, of which they were informed " from France, not long before they were accused; " yet since his majesty had been pleased to express " his pleasure rather for a bill, than an ordinance, " and that he sent in one for that purpose, they " readily entertained it; and, with some small and " necessary alterations, speedily passed the same. " But contrary to the custom of parliament, and " their expectation, grounded upon his majesty's " own invitation[x] of them to that way, and other[y]

[v] falsely] false [x] invitation] expectation [y] other] the other

" reasons manifested in their declaration concerning " the militia, of the fifth of May, instead of the royal " assent, they met with an absolute refusal.

" For their votes of the fifteenth and sixteenth of " March, they said, if the matter of those votes were " according to law, they hoped his majesty would " allow the subjects to be bound by them, because " he had said, he would make the law the rule of " his power; and if the question were, whether that " were law, which the lords and commons had once " declared to be so, who should be the judge? Not " his majesty; for the king judgeth not of matters " of law, but by his courts; and his courts, though " sitting by his authority, expected not his assent in " matters of law: nor[z] any other courts; for they " could not judge in that case, because they were in- " ferior, no appeal lying to them from parliament, " the judgment whereof is, in the eye of the law, " the king's judgment in his highest court, though " the king in his person be neither present, nor as- " senting thereunto.

" *The votes at which his majesty took exception were these:*

1. " That the king's absence so far remote from " his parliament, was not only an obstruction, but " might prove a destruction to the affairs of Ire- " land.

2. " That when the lords and commons shall de- " clare what the law of the land is, to have this " not only questioned and controverted, but contra- " dicted, and a command that it should not be obey-

[z] nor] not

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"ed, was a high breach of the privilege of parlia-
"ment.

3. "That those persons, who advised his majesty "to absent himself from the parliament, are enemies "to the peace of the kingdom, and justly may be "suspected to be favourers of the rebellion in Ire-"land.

"That[a] the kingdom had been of late, and still "was, in so imminent[b] danger, both from enemies "abroad, and from[c] a popish and discontented party "at home, that there was an urgent and inevitable "necessity of putting his majesty's subjects into a "posture of defence, for the safeguard both of his "majesty and his people.

"That[d] the lords and commons, fully apprehend-"ing this danger, and being sensible of their own "duty, to provide a suitable prevention, had, in se-"veral petitions, addressed themselves to his ma-"jesty, for the ordering and disposing the militia of "the kingdom in such a way, as was agreed upon[e], "by the wisdom of both houses, to be most effec-"tual, and proper for the present exigence of the "kingdom, yet could not obtain it; but his majesty "did, several times, refuse to give his royal assent "thereunto.

"That,[f] in this case of extreme danger, and his "majesty's refusal, the ordinance of parliament, "agreed upon by both houses, for the militia, doth "oblige the people, and ought to be obeyed, by the "fundamental laws of this kingdom.

[a] That] 4. That
[b] imminent] eminent
[c] from] *Not in MS.*
[d] That] 5. That
[e] upon] *Not in MS.*
[f] That,] 6. That,

" By all which, they said, it did appear, that there " had been no colour of that tax, that they went " about to introduce a new law, much less to exer- " cise an arbitrary power, but indeed to prevent it: " for this law was as old as the kingdom; that the " kingdom must not be without a means to preserve " itself; which that it might be done without confu- " sion, this nation had intrusted certain hands with a " power to provide, in an orderly and regular way, " for the good and safety of the whole; which pow- " er, by the constitution of the kingdom, was in his " majesty, and in his parliament together: yet since " the prince, being but one person, is more subject " to accidents of nature and chance, whereby the " commonwealth may be deprived of the fruit of " that trust, which was, in part, reposed in him; in " cases of such necessity, that the kingdom may not " be enforced presently to return to its first prin- " ciples, and every man left to do what is right in " his own eyes, without either guide or rule; the " wisdom of this state hath intrusted the houses of " parliament with a power to supply what should be " wanting on the part of the prince, as is evident by " the constant custom and practice thereof, in cases " of nonage, natural disability, and captivity; and " the like reason doth and must hold for the exercise " of the same power in such cases, where the royal " trust cannot be, or is not discharged, and that the " kingdom runs [g] an evident and eminent [h] danger " thereby; which danger having been declared by " the lords and commons in parliament, there needs

[g] runs] runs not

[h] eminent] imminent

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" not the authority of any person or court to affirm,
" nor is it in the power of any person or court to re-
" voke that judgment.

" They said, they knew the king had ways enough,
" in his ordinary courts of justice, to punish such se-
" ditious pamphlets and sermons, as were any ways
" prejudicial to his rights, honour, and authority;
" and if any of them had been so insolently violated
" and vilified, his majesty's own council and officers
" had been to blame, and not the parliament: they
" never had restrained any proceedings of that kind
" in other courts, nor refused any fit complaint to
" them. The Protestation Protested had been referred
" by the commons' house to a committee, and, the
" author being not produced, the printer committed
" to prison, and the book voted by that committee to
" be burned; but sir Edward Deering, who was to
" make that report of the votes of that committee,
" neglected to make it. The Apprentices' Protesta-
" tion was never complained of: but the other sedi-
" tious pamphlet, *To your tents, O Israel,* was once
" questioned, and the full prosecution of it was not
" interrupted by any fault of either house, whose
" forwardness to do his majesty all right therein
" might plainly appear, in that a committee of lords
" and commons was purposely appointed, to take
" such informations as the king's council should pre-
" sent concerning seditious words, practices, or tu-
" mults, pamphlets or sermons, tending to the dero-
" gation of his majesty's rights or prerogative, and
" his council had been enjoined by that committee,
" to inquire and present them; who several times
" met thereupon, and received this answer and de-

" claration from[i] the king's council, that they knew " of no such thing as yet.

" They said, if his majesty had used the service " of such a one in penning that answer, who under- " stood the laws and government of this kingdom, " he would not have thought it legally in his power " to deny his parliament a guard, when they stood " in need of it; since every ordinary court hath it: " neither would his majesty, if he had been well in- " formed of the laws, have refused such a guard as " they desired,[k] it being in the power of inferior " courts to command their own guard; neither " would he have imposed upon them such a guard, " under a commander which they could not have " confided in; which is clearly against the privileges " of parliament, and of which they found very dan- " gerous effects; and therefore desired to have it dis- " charged; but such a guard, and so commanded, " as the houses of parliament desired, they could " never obtain of his majesty; and the placing a " guard about them, contrary to their desire, was " not to grant a guard to them, but in effect to set " one upon them: all which considered, they believ- " ed, in the judgment of any indifferent persons, it " would not be thought strange, if there were a " more than ordinary resort of people to[l] Westmin- " ster, of such as came willingly, of their own accord, " to be witnesses and helpers of the safety of them, " whom all his majesty's good subjects are bound to " defend from violence and danger; or that such a " concourse as that (they carrying themselves quietly

[i] from] of

[k] such a guard as they desired,] a guard as they desired it,

[l] to] at

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" and peaceably, as they did) ought in his majesty's " apprehension, or could, in the interpretation of " the law, be held tumultuary and seditious.

" They said, when his majesty, in that question of " violation of the laws, had expressed the observa- " tion of them indefinitely, without any limitation " of time, although they never said, or thought any " thing, that might look like a reproach to his ma- " jesty, yet they had reason to remember that it had " been otherwise, lest they should seem to desert " their former complaints, and proceedings there- " upon, as his majesty did seem but little to like or " approve them:[m] for though he did acknowledge " here that great mischief, that grew by that arbi- " trary power then complained of; yet such were " continually preferred and countenanced, as were " friends or favourers, or related to[n] the chief au- " thors and actors of that arbitrary power, and of " those false colours, and suggestions of imminent " danger and necessity, whereby they did make it " plausible unto his majesty: and, on the other side, " such as did appear against them were daily dis- " countenanced and disgraced: which whilst it should " be so,[o] they had no reason to believe the disease to " be yet killed, and dead at root, and therefore no " reason to bury it in oblivion; and, whilst they be- " held the spawns of those mischievous principles " cherished and fostered in that new generation of " counsellors, friends, and abettors of the former, or " at least concurring with them in their malignancy " against the proceeding[p] of this parliament, they

[m] them:] of them:
[n] related to] related unto
[o] be so,] so be,
[p] proceeding] proceedings

" could not think themselves secure from the like, or
" a worse danger.

" They observed, the penner of his majesty's an-
" swer bestowed here[q] an admonition upon the par-
" liament, bidding them take heed they fell not upon
" the same error, upon the same suggestions; but,
" they said, he might well have spared that, till he
" could have shewed wherein they had exercised any
" power, otherwise than by the rule of the law; or
" could have found a more authentic, or a higher
" judge in matters of law, than the high court of
" parliament.

" It was declared, in his majesty's name, that he
" resolved to keep the rule himself, and, to his power,
" to require the same of all others. They said, they
" must needs acknowledge, that such a resolution
" was like to bring much happiness and blessing to
" his majesty, and all his kingdoms; yet, with hu-
" mility, they must confess, they had not the fruit
" of it in that case of the lord Kimbolton, and the
" other five members, accused contrary to law, both
" common[r] and the statute law; and yet remained
" unsatisfied: which case had been remembered, in
" their declaration, as a strange and unheard of vio-
" lation of their laws: but the penner of that an-
" swer thought fit to pass it over, hoping that many
" would read his majesty's answer, which had been
" so carefully dispersed, who would not read their
" declaration.

" Whereas, after their ample thanks and acknow-
" ledgment of his majesty's favour in passing many
" good bills, they had said, that truth and necessity

[q] here] *Not in MS.*

[r] common] common law

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" enforced them to add this, that in or about the " time of passing those bills, some design or other " had been on foot, which, if it had taken effect, " would not only have deprived them of the fruit " of those bills, but would have reduced them to a " worse condition of confusion, than that wherein " the parliament found them: it was now told them, " that the king must be most sensible of what they " had[s] cast upon him, for the[t] requital of those good " bills; whereas, out of their usual tenderness of his " majesty's honour, they did not mention him at all; " but so injurious, they said, were[u] those wicked " counsellors to the name and honour of their mas- " ter and sovereign, that, as much as they could, " they laid their own infamy and guilt upon his " shoulders.

" Here, they observed, God also was called to wit- " ness his majesty's upright intentions at the pass- " ing of those laws; which, they said, they would not " question, neither did they give any occasion for[x] " such a solemn asseveration as that was; the Devil " was likewise defied to prove there was any de- " sign, with his majesty's knowledge or privity. " That[y] might well have been spared; for they " spake nothing of his majesty: but since they were " so far taxed, as to have it affirmed, that they had " laid a false and notorious imputation upon his ma- " jesty, they thought it necessary, for the just de- " fence of their own innocency, to cause the oaths " and examinations, which had been taken, concern- " ing the design, to be published in a full narration,

[s] had] *Not in MS.*
[t] the] *Not in MS.*
[u] were] *Not in MS.*
[x] for] of
[y] That] They

" for satisfaction of all his majesty's subjects; out of
" which they would now offer some few particulars,
" by which[z] the world might judge, whether they
" could proceed with more tenderness towards his
" majesty, than they had done. Mr. Goring con-
" fessed, that the king first asked him, whether he
" were engaged in any cabal concerning the army?
" and commanded him to join with Mr. Percy, and
" Mr. Jermyn, and some others whom they should
" find at Mr. Percy's chamber; where they took the
" oath of secrecy, and then debated of a design pro-
" posed by Mr. Jermyn, to secure the Tower, and to
" consider of bringing up the army to London: and
" captain Leg confessed, he had received the draught
" of a petition, in the king's presence; and his ma-
" jesty acknowledgeth, it was from his own hand:
" and whosoever reads the sum of that petition, as
" it was proved by the testimony of sir Jacob Ash-
" ley, sir John Conyers, and captain Leg, will easily
" perceive some points in it, apt to beget in them
" some discontents against the parliament. And
" could any man believe there was no design in the
" accusation of the lord Kimbolton, and the rest, in
" which his majesty doth avow himself to be both a
" commander and an actor? These things being so,
" it would easily appear to be as much against the
" rules of prudence, that the penner of that answer
" should entangle his majesty in that unnecessary
" apology, as it was against the rules of justice, that
" any reparation from them should be either yielded
" or demanded.

" It was professed, in his majesty's name, that

[z] by which] out of which

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" he is truly sensible of the burdens of his people;
" which made them hope that he would take that
" course, which would be most effectual to ease them
" of those burdens; that was, to join with his par-
" liament in preserving the peace of the kingdom,
" which, by his absence from them, had been much
" endangered; and which, by hindering the volun-
" tary adventures for the recovery of Ireland, and
" disabling the subjects to discharge the great tax
" imposed on them, was like to make the war much
" more heavy to the kingdom. And for his majes-
" ty's wants, the parliament had been no cause of
" them; they had not diminished his just revenue,
" but had much eased his public charge, and some-
" what his private; and they should be ready, in a
" parliamentary way, to settle his revenue in such
" an honourable proportion, as might be answerable
" to both, when he should put himself into such a
" posture of government, that his subjects might be
" secure to enjoy his just protection for their reli-
" gion, laws, and liberties.

" They said, they never refused his majesty's gra-
" cious offer, of a free and general pardon; only they
" said, it could be no security to their present fears
" and jealousies: and they gave a reason for it; that
" those fears did not arise out of any guilt of their
" own actions, but out of the evil designs and at-
" tempts of others; and they left the world to judge,
" whether they therein had deserved so heavy a tax
" and exclamation? (That it was a strange world,
" when princes' proffered favours were counted re-
" proaches: such were the words of his majesty's
" answer,) who did esteem that offer as an act of
" princely grace and bounty, which, since the par-

" liament begun,[a] they had humbly desired they
" might obtain, and did still hold it very necessary
" and advantageous for the generality of the sub-
" ject, upon whom the taxes and subsidies lie hea-
" viest: but, they said, they saw, upon every occa-
" sion, how unhappy they were in his majesty's mis-
" apprehensions of their words and actions.

" They said, they were fully of the king's mind,
" as it was there declared, that he might rest so
" secure of the affections of his subjects, that he
" should not stand in need of foreign force to pre-
" serve him from oppression; and were confident,
" that he should never want an abundant evidence
" of the good wishes and assistance of his whole
" kingdom; especially if he would be pleased to
" hold to that gracious resolution of building upon
" that sure foundation, the law of the land: but
" why his majesty should take it ill, that they, hav-
" ing received informations so deeply concerning the
" safety of the kingdom, should[b] think them fit to
" be considered of, they could not conceive; for al-
" though the name of the person was unknown, yet
" that which was more substantial to the probability
" of the report was known, that is, that he was ser-
" vant to the lord Digby; who, in his presumptuous
" letter to the queen's majesty, and other letters to
" sir Lewis Dives, had intimated some wicked pro-
" position, suitable to that information; but that this
" should require reparation, they held it as far from
" justice, as it was from truth, that they had mixed
" any malice with those rumours, thereby to feed the
" fears and jealousies of the people.

[a] begun,] began,

[b] should] and so should

BOOK V.

1642.

"It was affirmed, that his majesty was driven "from them, but not by them; yet perchance, they "said, hereafter, if there should be opportunity of "gaining more credit, there would not be wanting "who would suggest unto his majesty, that it was "done by them: and if his majesty were driven "from them, they hoped it was not by his own "fears, but by the fears of the lord Digby, and his "retinue of cavaliers; and those[c] no fears of any "tumultuary violence, but of their just punishment "for their manifold insolence, and intended violence "against the parliament: and this was expressed by "the lord Digby himself, when he told those cava- "liers, that the principal cause of his majesty's go- "ing out of town, was to save them from being "trampled in the dirt: but of his majesty's person "there was no cause of fear; in the greatest heat of "the people's indignation, after the accusation, and "his majesty's violent coming to the house, there "was no shew of any evil intention against his regal "person; of which there could be no better evidence "than this, that he came the next day without a "guard into the city, where he heard nothing but "prayers and petitions, no threatenings, or irreve- "rent speeches, that might give him any just occa- "sions of fear, that they had heard of, or that his "majesty expressed; for he staid near a week after "at Whitehall, in a secure and peaceable condition: "whereby they were induced to believe, that there "was no difficulty, or doubt at all, but his majesty's "residence near London might be as safe, as in any "part of the kingdom. They said, they were most

[c] those] that

" assured of the faithfulness of the city and suburbs; and for themselves, they should quicken the vigour of the laws, the industry of the magistrate, the authority of parliament, for the suppressing of all tumultuary insolency[d] whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as were mentioned in that answer: and therefore they thought it altogether unnecessary, and exceeding inconvenient, to adjourn the parliament to any other place.

" Where the desire of a good understanding betwixt the king and[e] parliament was on both sides so earnest, as was there professed by his majesty to be in him, and they had sufficiently testified to be in themselves, it seemed strange they should be, they said, so long asunder; it could be nothing else but evil and malicious counsel in[f] misrepresenting their carriage to his majesty, and in disposing his favour to them. And as it should be far from them to take any advantage of his majesty's supposed straits, as to desire, much less to compel him to that, which his honour or interest might render unpleasant, or grievous to him; so, they hoped, his majesty would not make his own understanding or reason the rule of his government; but would suffer himself to be assisted with a wise and prudent council, that might deal faithfully betwixt him and his people: and that he would remember, that his resolutions did concern kingdoms; and therefore ought not to be moulded by his own, much less by any[g] private person,

[d] insolency] insolence
[e] and] and the
[f] in] *Not in MS.*
[g] any] any other

BOOK V. 1642.

" which was not alike proportionable to so great a " trust: and therefore they still desired and hoped, " that his majesty would not be guided by his own " understanding, or think[h] those courses, straits and " necessities, to which he should be advised by the " wisdom of both houses of parliament, which are " the eyes in the[i] politic body, whereby his majesty " was, by the constitution of the kingdom, to discern " the differences of those things, which concern the " public peace and safety thereof.

" They said, they had given his majesty no cause " to say, that they did meanly value the discharge of " his public duty; whatsoever acts of grace or jus- " tice had been done, they proceeded from his ma- " jesty by the advice and counsel of his parliament, " yet they had and should always answer them with " constant gratitude, and[k] obedience, and affection; " and although many things had been done, since " this parliament, of another nature, yet they should " not cease to desire the continued protection of Al- " mighty God upon his majesty, and most humbly " petition him to cast from him all those evil and con- " trary counsels, which had, in many particulars for- " merly mentioned, much detracted from the honour " of his government, the happiness of his own estate, " and prosperity of his people.

" And having passed so many dangers from a- " broad, so many conspiracies at home, and brought " on the public work so far, through the greatest " difficulties that ever stood in opposition to a par- " liament, to such a degree of success, that nothing " seemed to be left in the way able to hinder the

[h] or think] or to think [i] the] this [k] and] *Not in MS.*

" full accomplishment of their desires, and endea-
" vours for the public good, unless God in his justice
" did send a[l] grievous curse upon them, as to turn
" the strength of the kingdom against itself, and to
" effect that by their own folly and credulity, which
" the power and subtilty of their enemies could not
" attain, that was, to divide the people from the
" parliament, and to make them serviceable to the
" ends and aims of those who would destroy them:
" therefore they desired the kingdom to take notice
" of that last most desperate and mischievous plot
" of the malignant party, that was acted and pro-
" secuted in many parts of the kingdom, under
" plausible notions of stirring them up to a care of
" preserving the king's prerogative; maintaining the
" discipline of the church; upholding and conti-
" nuing the reverence and solemnity of God's ser-
" vice; and[m] encouraging of learning: and, upon
" those grounds, divers mutinous petitions had been
" framed in London, Kent, and other counties; and
" sundry of his majesty's subjects had been solicited
" to declare themselves for the king against the par-
" liament; and many false and foul aspersions had
" been cast upon their proceedings, as if they had
" been not only negligent, but averse in those points;
" whereas they desired nothing more, than to main-
" tain the purity and power of religion, and to ho-
" nour the king in all his just prerogatives; and for
" encouragement and advancement of piety and
" learning, they had very earnestly endeavoured, and
" still did, to the utmost[n] of their power, that all
" parishes might have learned, pious, and sufficient

[l] a] such a [m] and] *Not in MS.* [n] utmost] uttermost

BOOK V. 1642.

" preachers, and all such preachers, competent liv-
" ings.

" Many other bills and propositions[o], they said,
" were in preparation, for the king's profit and ho-
" nour, the people's safety and prosperity; in the
" proceedings whereof, they were much hindered by
" his majesty's absence from the parliament; which
" was altogether contrary to the use of his prede-
" cessors, and the privilege of parliament, whereby
" their time was consumed by a multitude of un-
" necessary messages, and their innocency wounded
" by causeless and sharp invectives; yet they doubt-
" ed not but they should overcome all this at last,
" if the people suffer not themselves to be deluded
" with false and specious shows, and so drawn to
" betray them to their own undoing, who had ever
" been willing to hazard the undoing of themselves,
" that they might not be betrayed, by their neglect
" of the trust reposed in them: but if it were not[p]
" possible they should prevail herein, yet they would
" not fail, through God's grace, still to persist in
" their duties, and to look beyond their own lives,
" estates, and advantages, as those who think nothing
" worth the enjoying without the liberty, peace, and
" safety of the kingdom; nor any thing too good
" to be hazarded in discharge of their[q] consciences,
" for the obtaining of it: and should always repose
" themselves upon the protection of Almighty God,
" which, they were confident, should never be want-
" ing to them, (while they sought his glory,) as they
" had found it, hitherto, wonderfully going along
" with them, in all their proceedings."

[o] and propositions] *Not in MS.*

[p] not] *Not in MS.*

[q] their] our

With this declaration they published the examinations of Mr. Goring, Mr. Percy's letter to the earl of Northumberland; which were the great evidence they had of the plot of bringing up the army, to awe the parliament; and several other letters and depositions, or rather such parts of depositions, as contributed most to their purpose. For the truth is, as they never published, so much as to the houses which were to judge, many depositions of witnesses, whose testimonies, in a manner, vindicated the king from those aspersions, which they had a mind should stick upon him, (for many such there were,) so of those which they did publish, they left out many parts, which, being added, would either have obscured, or contradicted, or discredited much of that, out of which they made the people believe much to the king's disservice. And yet with all those ill arts and omissions, I presume many, who without passion do now read those depositions, (for they are in all hands to be read,) do much marvel how such conclusions could result to his majesty's disadvantage, out of the worst part of all that evidence; which could not naturally carry that sense to which it was wrested.

About this time (which I shall mention before the other declaration, because it intervened) there happened an accident that gave them much trouble, and the more, because unlooked for, by the lord keeper's quitting them, and resorting to York, by which the king got the possession of his own great seal; which by all parties was, at that time, thought a most considerable advantage[r]. The king was very

[r] considerable advantage.] *In the MS. C. from which the preceding part of the History is taken, the account of the lord*

BOOK V. much unsatisfied with the lord keeper Littleton; who did not appear so useful for his service as he

1642.

keeper's going to the king is thus continued: Of which I must in justice say somewhat, for the memory and honour of the noble person who performed that service; whose modesty made him suffer under a groundless traducement of being compelled by the confidence of a bold and peremptory undertaker, to what in truth he would not else have yielded unto, and so lost much of that reputation which was unquestionably due to his own merit and integrity. From his recovery of a great sickness, (which seized on him shortly after he was preferred to that great place, and which indeed robbed him for ever of much of that natural vigour and vivacity of mind which he had formerly enjoyed,) his compliance was so great and so visible, not only in not opposing that prevalent sense of the house which was prejudicial to the king, but in concurring with it in his own vote, very much against what his friends thought was agreeable to his understanding, insomuch as the potent and popular lords looked upon him as their own: and the king was so far unsatisfied with his carriage, that once, after his majesty's being at York, he resolved to take the great seal from him, but was contented to be dissuaded from that resolution, partly from the difficulty, it being probable that the attempt would not have succeeded, by the interposition of the extravagant authority of the two houses, partly that it was not easy to make choice of another fit for that trust, who was like to be more faithful in it, the terror of parliament having humbled all men to a strange compliance and submission; but especially that his majesty was assured by some whom he trusted, that the affection of the lord Littleton was very entire to his service; and his compliance only artificial, to preserve himself in a capacity of serving him; which was true. Whilst this cloud hung over him, one evening I visited him, and speaking freely with him, (as he always gave me great encouragement to do, being well assured I bore a just respect and kindness to him, and well knowing I was not without some trust with his majesty, and of most intimate friendship with some that had more,) I told him the censure and hazard he ran by the notable compliance and correspondence he had with that party, which the king understood to be factious against his just regal power; of some votes in which his lordship had particularly concurred, which were generally understood to be contrary to law, in which his knowledge was unquestionable; mentioning to him a late vote upon the militia, and some declaration or message full of disrespective language, which had been not long before sent to the king; in both which his

expected, and, from the time of the accusing the members, had lost all his vigour, and, instead of

concurrence was notorious, and much spoken of. To the particulars he answered by telling me the story and circumstances of the debate, and the manner of his concurrence, which, though it made the matter more specious on his behalf than was generally reported, he well discerned gave me no satisfaction in the main; whereupon he said, "I will deal freely with you, and tell you my "heart; and if upon considera- "tion you think the course I "take be not most advantage- "ous to the king, I will do as "I shall be advised." He then told me the straits he was in; that the governing lords had a terrible apprehension of the king's sending for the great seal, and that nothing but his fair deportment towards them, and seeming to be of their mind, prevented their taking the seal in their own custody; allowing it only to be with him whilst he sat in the house and in the court; that they had made some order to that purpose, if by his interest with them he had not prevented it, well knowing that it would prove most fatal to the king; who, he foresaw, must be shortly compelled to wish the great seal with him for many reasons. Now, said he, let it be considered, whether my voting with them in such particulars, which my not voting with them cannot prevent, be of equal prejudice to the king, with the seal's being put into such a condition that the king shall never be able to get it, when it is most necessary for him, which undoubtedly will be the case, when, by my carriage and opposition against them, the confidence towards me shall be lessened. To which he added, that when he failed to serve the king in an article of moment, or to come to him when he sent for him, he would be worthily censured. The substance of this discourse was not long concealed from the king, who shortly after (his occasions requiring it) sent a gentleman with a warrant to receive the seal, and a very kind letter all under the king's own hand to the lord keeper, to require him to make all possible haste to him; which message his lordship was so well prepared to receive, and resolved to obey, that he went purposely out of the town to his house in the country, fifteen miles out of London, upon pretence to take the air for his health, on Saturday night, when the gentleman employed in that errand came to him, and received the seal from him; his lordship very early on Sunday morning taking another way on horseback; and arrived safe at York with his majesty the next day after the gentleman had delivered the seal to his majesty with some expressions of his own dexterity and courage in the service, which had no other ground than the confidence of the relator, who, I presume,

BOOK V. 1642.

making any oppositions to any of their extravagant debates, he had silently suffered all things to be without malice to the person of the lord keeper, thought only of doing himself good, and drawing such a reward, as might be proportionable to the merit of the work, according to the account he gave of it; which report got the more credit, by some indisposition and visible dejectedness of the keeper upon his coming to York, and that the seal was not for a long time redelivered to him, though never used but in his presence, but always kept in the king's bed-chamber; whereas the first proceeded (besides that he was never a good courtier) from the habit of awe and terror which he had contracted at Westminster, and which he could not speedily shake off, and so was not without some hesitation in the fixing the seal to some proclamations, which were in a higher dialect than had used to pass his hand; of which wariness his adversaries made use to his prejudice; and the other was only, that the seal being in so secure a place as the king's own bed-chamber, no attempt might be made by the treachery of a friend, or the infidelity of a servant, to carry it back to London; which no vigilance of the keeper himself, in those narrow accommodations all men were supplied with there, could probably have prevented. And from this security, in no wise intended as a reproach to the keeper, his lordship had so great ease and quiet, that when the king (understanding that it was talked of abroad as proceeding from his majesty's distrust of the keeper) sent for him, and would have delivered it to him, assuring him that his confidence was as great in him as ever, the lord keeper besought his majesty, that he would not expose him to so much anxiety, as must accompany that charge, in the danger and hazard of a march, when it was not possible for any care of his to prevent the possibility of its being stolen, or forced from him; but that it might be continued in the same safety under his majesty's own care, till he were fixed in such a place, as he might be reasonably responsible for it; and so when his majesty was settled in Oxford, where the lord keeper had convenient accommodation of lodgings, the seal was redelivered to him, and remained in his hands till his death. As soon as it was known to the two houses that the lord keeper was gone to the king, that is, on Monday morning, the 23d of May, the lords in great fury made this following order; "It "is this day ordered by the "lords in parliament, that the "gentleman usher attending "this house, or his deputy, "shall forthwith take into cus- "tody the right honourable "Edward lord Littleton, and "bring him and the great seal "of England (if it be in his "custody) before the lords in "parliament." Which order was directed to the gentleman usher

carried; and had not only declined the performing the office the king had enjoined him, with reference to the earls of Essex and Holland, (before mentioned,) but very much complied with and courted that party of both houses, which frequently resorted to him; and of late in a question, which had been put in the house of peers, in the point of the militia, he had given his vote both against the king and the law, to the infinite offence and scandal of all those who adhered to the king.

He was a man of great reputation in the profession of the law; for learning, and all other advantages, which attend the most eminent men; he was of a very good extraction in Shropshire, and inherited a fair fortune, and inheritance from his father; he was a handsome and a proper man, of a very graceful presence, and notorious for courage, which, in his youth, he had manifested with his sword; he had taken great pains in the hardest and most knotty part[s] of the law, as well as that which was more customary; and was not only very ready and expert in the books, but exceedingly versed in records, in studying and examining whereof, he had kept Mr. Selden company, with whom he had great friendship, and who had much assisted him; so that he was looked upon the best[t] antiquary of the profession, who gave himself up to practice; and, upon

attending the house, or his deputy, and to all mayors, justices of the peace, sheriffs, and others his majesty's officers, to be aiding and assisting to the said gentleman usher and his deputy; which was a strange warrant to be sent about the country, as this very carefully was, for the apprehension of a lord keeper of the great seal of England, who, according to the trust reposed in him, was gone to wait upon the king his master. All which circumstances, &c. *as in page* 503, *line* 27.

[s] part] parts

[t] the best] as the best

BOOK V. 1612.

the mere strength of his own abilities, he had raised himself into the first rank of the practisers in the common law courts, and was chosen recorder of London before he was called to the bench, and grew presently into the highest practice in all the other courts, as well as those of the law. When the king looked more narrowly into his business, and found that he should have much to do in Westminster-hall, he removed an old, useless, illiterate person, who had been put into that office by the favour of the duke of Buckingham, and made Littleton his solicitor general, much to his honour, but not to his profit; the obligation of attendance upon that office depriving him of much benefit he used to acquire by his practice, before he had that relation. Upon the death of my[u] lord Coventry, Finch[w] being made keeper, he was made chief justice of the common pleas, then the best office of the law, and that which he was wont to say, in his highest ambition, in his own private wishes, he had most desired; and it was indeed the sphere in which he moved most gracefully, and with most advantage, being a master of all that learning and knowledge, which that place required, and an excellent judge, of great gravity, and above all suspicion of corruption.

Whilst he held this place, he was by the favour of the archbishop of Canterbury, and the earl of Strafford, who had a great esteem of him, recommended to the king to be called to the council table, where he kept up his good name; and, upon the lord Finch's leaving the kingdom, in the beginning of the parliament, he was thought, in many respects,

[u] my] the

[w] Finch] and Finch

to be the fittest to be intrusted in that office; and, upon the desire of the earl of Strafford, after he was in the Tower, was created a baron, out of expectation that, by his authority and knowledge of the law, he would have been of great use in restraining those extraordinary and unwarrantable proceedings: but, from the time he had the great seal, he seemed to be out of his element, and in some perplexity and irresolution in the chancery itself, though he had great experience in the practice and proceedings of that court; and made not that despatch, that was expected, at the council table; and in the parliament he did not preserve any dignity; and appeared so totally dispirited, that few men shewed any respect to him, but they who most opposed the king, who indeed did exceedingly apply themselves to him, and were with equal kindness received by him. This wonderful alteration in him, his friends believed to have proceeded from a great sickness, which had seized upon him quickly [x] after he was created a baron, insomuch as every man believed he would die; and by this means, he did not attend the house in some months; and so performed none of those offices toward the earl of Strafford, the expectation whereof had been the sole motive to that promotion: from that time he never did appear the same man; but sure there were other causes for it, and he was possessed with some melancholy apprehensions, which he could not master, and had no friend to whom he durst entirely communicate them [y].

Mr. Hyde, one of those [z] who was most trusted

[x] quickly] very soon.

[y] them] *Not in MS.*

[z] Mr. Hyde, one of those] *Thus originally in MS.:* Mr.

BOOK V. 1642.

by the king in the house of commons, and had always had a great respect for the keeper, was as much troubled at his behaviour, as any man; and using frequently to go to him, went upon that occasion; and with great freedom and plainness told him, "how much he had lost the esteem of all good "men, and that the king could not but be exceed-"ingly dissatisfied with him;" and discoursed over the matter of that vote. Though he did not know, that the king did at that time put so great a secret trust in Mr. Hyde, yet he knew very[a] well, that the king had a very good opinion of him, and had heard his majesty often, from the beginning of the parliament, when the discourse happened to be of the lawyers of the house, take an[b] occasion from thence to mention Mr. Hyde, as a man of whom he heard very well; which the keeper had many times taken notice of to him: and then he knew the friendship that was between the lord Falkland and Mr. Hyde,[c] and had heard the many jealousies which were contracted, upon the great communica-

Hyde had always borne a great respect to him, and had endeavoured to introduce a familiarity and conversation between him and the lord Falkland, and sir Jo. Culpepper, from the time of their coming to the board, and carried them to dinner to him; which he embraced with great inclination: but it can hardly be imagined that a gentleman who had always conversed with the best men, and had had so great experience in business, could be so unskilful and ungracious in drawing a value and estimation of himself from other men, or that could appear so little acquainted with the common affairs of the world, or the nature of mankind: and his concurrence in that vote of the militia (which was touched before) took away all reverence towards him from those two noble persons, insomuch as they thought it not safe to trust him with any free discourse: Mr. Hyde was as much troubled, *as above, line 2.*

[a] very] *Not in MS.*

[b] an] *Not in MS.*

[c] Mr. Hyde,] him,

tion he had with the two new counsellors; and so no doubt believed, that he knew much of the king's mind. So that[d] as soon as he had entered upon this discourse, which he heard with all attention, (they being by themselves in his study at Exeter house,) he rose from his chair, and went to the door; and finding some persons in the next room, he bade them to withdraw; and[e] locking both the door of that room, and of his study, he sat down himself, and making Mr. Hyde sit down too,[f] he begun[g] "with giving him many thanks for his "friendship to him, which, he said, he had ever "esteemed, and he could not more manifest the "esteem he had of it and him, than by using that "freedom again with him, which he meant to do. "Then he lamented his own condition; and that "he had been preferred from the common pleas, "where he knew both the business and the persons "he had to deal with, to the other high office he "now held, which obliged him to converse and "transact with another sort of men, who were not "known to him, and in affairs which he understood "not, and had not one friend among[h] them, with "whom he could confer upon any doubt which oc-"curred to him."

He spoke[i] then of the unhappy state and condition of the king's business; how much he had been, and was still, betrayed by persons who were about him; and with all possible indignation against the proceedings of the parliament; and said, "they

[d] So that] And so
[e] and] and so
[f] sit down too,] sit down in another chair,
[g] begun] began
[h] among] amongst
[i] spoke] spake

BOOK V. 1642.

" would never do this, if they were not resolved to " do more: that he knew the king too well, and " observed the carriage of particular men too much, " and the whole current of public transactions these " last five or six months, not to foresee that it could " not be long before there would be a war between " the king and the two houses; and of the import- " ance, in that season, that the great seal should be " with the king." Then he fell into many expressions of his duty and affection to the king's person, as well as to his high degree: and " that no man " should be more ready to perish with and for his " majesty, than he would be; that the prospect he " had of this necessity had made him carry himself " towards that party with so much compliance, that " he might be gracious with them, at least, that " they might have no distrust of him; which, he " knew, many had endeavoured to infuse into them; " and that there had been a consultation within few " days, whether, in regard he might be sent for by " the king, or that the seal might be taken from " him, it would not be best to appoint the seal to " be kept in some such secure place, as that there " might be no danger of losing it; and that the " keeper should always receive it, for the execution " of his office; they having no purpose to disoblige " him. And the knowledge he had of this consult- " ation, and fear he had of the execution of it, had " been the reason, why, in the late debate upon the " militia, he had given his vote in such a manner, " as, he knew, would make very ill impressions with " the king, and many others who did not know him " very well; but that, if he had not, in that point, " submitted to their opinion, the seal had been

"taken from him that night; whereas by this compliance in that vote, which could only prejudice "himself, and not the king, he had gotten so much "into their confidence, that he should be able to "preserve the seal in his own hands, till the king "required it; and then he would be as ready to at-"tend[k] his majesty with it."

Mr. Hyde was very well pleased with this discourse; and asked him, "whether he would give "him leave, when there should be a fit occasion,[l] "to assure the king, that he would perform this "service, when the king should require it?" He desired, "that he would do so, and pass his word "for the performance of it, as soon as his majesty "pleased:" and so they parted.

It was within very few days after, that the king, exceedingly displeased and provoked with the keeper's behaviour, sent an order to the lord Falkland, "to require the seal from him;" in which the king was very positive, though he was not resolved to what hand to commit it. His majesty wished them (for he always included the other two in such references) to consider, "whether he should give it to "the lord chief justice Banks," (against whom he made some objection himself,) "or into the hands of "Mr. Selden; and to send their opinions[m] to him." The order was positive for[n] requiring it from the present officer, but they knew not who[o] to advise for a successor. The lord chief justice[p] Banks appeared to be as much afraid, as the other; and not

[k] attend] attend upon
[l] occasion,] occasion that required it,
[m] opinions] opinion
[n] for] for the
[o] who] how
[p] chief justice] *Not in MS.*

BOOK V. 1642.

thought equal to that charge, in a time of so much disorder; though, otherwise, he was a man of great abilities, and unblemished integrity: they did not doubt of Mr. Selden's affection to the king, but withal they knew him so well, that they concluded he would absolutely refuse the place, if it were offered to him. He was in years, and of a tender constitution; he had for many years enjoyed his ease, which he loved; was rich; and would not have made a journey to York, or have lain out of his own bed, for any preferment; which he had never affected.

Being all three[q] of one mind, that it would not be fit to offer it to the one or the other; hereupon Mr. Hyde told them the conference he had[r] with the keeper, and the professions he had made; and was very confident, that he would very punctually perform it; and therefore proposed, that "they "might, with their opinions of the other persons, "likewise advise his majesty to suspend his resolu- "tion concerning the lord keeper, and rather to "write kindly to him, to bring the seal to his ma- "jesty, instead of sending for the seal itself, and "cast[s] him off;" and offered to venture his own credit with the king, that the keeper would comply[t] with his majesty's commands.[u] Neither of them were of his opinion; and had both no esteem of the keeper, nor believed that he would go to his majesty, if he were sent for, but that he would find some trick to excuse himself; and therefore were

[q] three] the three
[r] he had] he had had
[s] and cast] and to cast
[t] that the keeper would comply] upon the keeper's complying
[u] commands.] command.

not willing, that Mr. Hyde should venture his reputation upon it. He desired them then "to consider "how absolutely necessary it was, that the king "should first resolve into what hand to put the "seal, before he removed it; for that it could not "be unemployed one hour, but that the whole justice of the kingdom would be out of order, and "draw a greater and a juster clamour than had "been yet: that there was as much care to be "taken, that it should not be in the power of any "man to refuse it, which would be yet more prejudicial to his majesty. He desired them above all, "to weigh well, that the business consisted only in "having the great seal in the place, where his majesty resolved to be; and if the keeper would "keep his promise, and desired to serve [x] the king, "it would be unquestionably the best way, that he "and the seal were both there: if, on the other "side, he were not an honest man, and cared not "for offending the king, he would then refuse to "deliver it; and inform the lords of it; who would "justify him for his disobedience, and reward and "cherish him; and he must then hereafter serve "their turn; the mischief whereof would be greater "than could be easily imagined: and his majesty's "own [y] great seal should be every day used against "him, nor would it be possible in many months to "procure a new one to be made."

These objections appeared of weight to them; and they resolved to give an account of the whole to the king, and to expect his order: and both the lord Falkland and Mr. Hyde writ to his majesty,

[x] to serve] to serve and please [y] his majesty's own] his own

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and sent their letters away that very night. The king was satisfied with the reasons, and was very glad that Mr. Hyde was so confident of the keeper; though, he said, he remained still in doubt; and resolved, "that he would, such a day of the week "following, send for the keeper, and the seal;" and that it should be, as had been advised, upon a Saturday afternoon, as soon as the house of lords should rise; because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the keeper frequently, and was confirmed in his confidence of his integrity, went now to him; and finding him firm to his resolution, and of opinion,[z] in regard of the high proceedings of the houses, that it should not be long deferred; he told him, "that he might expect a messenger the next "week, and that he should once more see him, "when he would tell him the day; and that he "would then go himself away before him to York;" with which he was much pleased, and it was agreed between the three, that it was now time, that he should be gone (the king having sent for him some time before) after a day or two; in which time the declaration of the nineteenth of May would be passed.

On the Saturday following, between two and three of the clock in the afternoon, Mr. Elliot, a groom of the bedchamber to the prince, came to the keeper, and found him alone in the room where he used to sit, and delivered him a letter from the king in his own hand; wherein he required him, with many expressions of kindness and esteem, "to make

[z] of opinion] of the opinion,

" haste to him; and if his indisposition" (for he was often troubled with gravel and sharpness of urine) " would not suffer him to make such haste upon " the journey, as the occasion required, that he " should deliver the seal to the person who gave " him the letter; who, being a strong young man, " would make such haste as was necessary; and " that he might make his own journey, by those " degrees which his health required." The keeper was surprised with the messenger, whom he did not like; and more when he found that he knew the contents of the letter, which, he hoped, would not have been communicated to any man who should be sent: he answered him with much reservation; and when the other with bluntness, as he was no polite man, demanded the seal of him, which he had not thought of putting out of his own hands; he answered him, " that he would not deliver it " into any hands, but the king's:" but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the king would be very unhappily disappointed of the seal, which he had reason so much to depend upon; and that his misfortune would be wholly imputed to his own fault and infidelity, (which, without doubt, he abhorred with his heart;) and the only way to prevent that mischief, or to appear innocent under it, was to deliver the seal to the person trusted by the king himself to receive it; and so, without telling him any thing of his own purpose, he delivered the

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seal into his hands; who[a] forthwith put himself on his horse, and with wonderful expedition presented the great seal into his majesty's own hands, who was infinitely pleased with it, and with the messenger.

The keeper, that evening, pretended to be indisposed, and that he would take his rest early, and therefore that nobody should be admitted to speak with him: and then he called sergeant Lee to him, who was the sergeant who waited upon the seal, and in whom he had great confidence, as he well might; and told him freely, "that he was resolved, the next "morning, to go to the king, who had sent for him; "that he knew well how much malice he should "contract by it from the parliament, which would "use all the means they could to apprehend him; "and he himself knew not how he should perform "the journey, therefore he put himself entirely into "his hands; that he should cause his horses to be "ready against the next morning, and only his own "groom to attend them, and he to guide the best "way, and that he would not impart it to any other "person." The honest sergeant was very glad of the resolution, and cheerfully undertook all things for the journey; and so sending the horses out of the town, the keeper put himself in his coach very early the next morning, and as soon as they were out of the town, he and the sergeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of June, that before the end of the third day he kissed the king's hand[b] at York.

He had purposely procured the house of peers to

[a] who] and he [b] hand] hands

be adjourned to a later hour in the morning for Monday, than it used to be. Sunday passed without any man's taking notice of the keeper's being absent; and many, who knew that he was not at his house, thought he had been gone to Cranford, to[c] his country house, whither he frequently went on Saturday nights, and was early enough at the parliament on[d] Monday mornings; and so the lords the more willingly consented to the later adjournments for those days. But on Monday morning, when it was known when, and in what manner, he had left his house, the confusion in both houses was very great; and they who had thought that their interest was so great in him, that they knew all his thoughts, and had valued themselves, and were valued by others, upon that account, hung down their heads, and were even distracted with shame: however they could not but conclude, that he was out of their reach before the lords met; yet to shew their indignation against him, and it may be in hope that his infirmities would detain him long in the journey, (as nobody indeed thought that he could have performed it with that expedition,) they issued out such a warrant for the apprehending him, as had been in the case of the foulest felon or murderer; and printed it, and caused it to be dispersed, by expresses, over all the kingdom, with great haste. All which circumstances, both before and after the keeper's journey to York, are the more particularly and at large set down, out of justice to the memory of that noble person; whose honour suffered then much in the opinion of many, by the confident report of the

[c] to] *Not in MS.* [d] on] on the

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1642. person, who was sent for and received the seal, and who was a loud and bold[e] talker, and desired to have it believed, that his manhood had ravished the great seal from the keeper, even in spite of his teeth; which, how impossible soever in itself, found too much credit; and is therefore cleared by this very true and punctual relation, which in truth is but due to him.

But the trouble and distraction, which at this time possessed them, was visibly very great; and their dejection such, that the same day the earl[f] of Northumberland (who had been of another temper) moved, "that a committee might be appointed, to "consider how there might be an accommodation "between the king and his people, for the good, "happiness, and safety of both king and kingdom;" which committee was appointed accordingly.

This temper of accommodation troubled them not long, new warmth and vigour being quickly infused into them by the unbroken and[g] undaunted spirits of the house of commons; which, to shew how little they valued the power or authority of the king, though supported by having now his great seal by him, on the twenty-sixth of May agreed on a new remonstrance to the people; in which, the lords concurring, they informed them,

The two houses' remonstrance, May 26, 1642.

"That although the great affairs of the kingdom, "and the miserable bleeding condition of the king- "dom of Ireland, afforded them little leisure to spend "their time in declarations, and in answers, and re- "plies, yet the malignant party about his majesty "taking all occasions to multiply calumnies upon

[e] bold] a bold [f] the earl] the lord [g] and] or

" the houses of parliament, and to publish sharp in-
" vectives, under his majesty's name, against them,
" and their proceedings, (a new engine they had in-
" vented to heighten the distractions of this king-
" dom, and to beget and increase distrust and dis-
" affection between the king, and his parliament,
" and the people,) they could not be so much want-
" ing to their own innocency, or to the duty of their
" trust, as not to clear themselves from those false
" aspersions, and (which was their chiefest care) to
" disabuse the people's minds, and open their eyes,
" that, under the false shows, and pretexts of the
" law of the land, and of their own rights and li-
" berties, they may not be carried into the road
" way, that leadeth to the utter ruin and subver-
" sion thereof. A late occasion that those wicked
" spirits of division had taken to defame, and in-
" deed to arraign the proceedings of both houses
" of parliament, had been from their votes of the
" twenty-eighth of April, and their declaration con-
" cerning the business of Hull, which because they
" put forth, before they could send their answer con-
" cerning that matter unto his majesty, those mis-
" chievous instruments of dissension, between the
" king, and the parliament, and the people, whose
" chief labour and study was to misrepresent their
" actions to his majesty, and to the kingdom, would
" needs interpret this as an appeal to the people, and
" a declining of all intercourse between his majesty
" and them; as if they thought it to no purpose, to
" endeavour any more to give his majesty satisfac-
" tion; and, without expecting any longer their an-
" swer, under the name of a message from his ma-
" jesty to both houses, they themselves had indeed

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" made an appeal to the people, as the message itself
" did in a manner grant it to be, offering to join
" issue with them in that way, and in the nature
" thereof did clearly shew itself to be no other;
" therefore they would likewise address their an-
" swer to the kingdom, not by way of appeal, (as
" they were charged,) but to prevent them from be-
" ing their own executioners, and from being per-
" suaded under false colours of defending the law,
" and their own liberties, to destroy both with their
" own hands, by taking their lives, liberties, and
" estates out of their hands, whom they had chosen,
" and intrusted therewith, and resigning them up
" unto some evil counsellors, about his majesty, who
" could lay no other foundation of their own great-
" ness, but upon the ruin of this, and, in it, of all
" parliaments; and, in them, of the true religion,
" and the freedom of this nation. And these, they
" said, were the men that would persuade the peo-
" ple, that both houses of parliament, containing all
" the peers, and representing all the commons of
" England, would destroy the laws of the land, and
" liberties of the people; wherein, besides the trust
" of the whole, they themselves, in their own parti-
" culars, had so great an interest of honour and es-
" tate, that they hoped it would gain little credit
" with any, that had the least use of reason, that
" such, as must have so great a share in the misery,
" should take so much pains in the procuring there-
" of; and spend so much time, and run so many
" hazards to make themselves slaves, and to destroy
" the property of their estates. But that they might
" give particular satisfaction to the several imputa-
" tions cast upon them, they would take them in

" order, as they were laid upon them in that mes-
" sage.

" First, they were charged for the avowing that
" act of sir John Hotham; which was termed un-
" paralleled, and an high and unheard of affront
" unto his majesty, and as if they needed not to
" have done it; he being able, as was alleged, to
" produce no such command of the houses of par-
" liament. They said, although sir John Hotham
" had not an order, that did express every circum-
" stance of that case, yet he might have produced
" an order of both houses, which did comprehend
" this case, not only in the clear intention, but in
" the very words thereof; which they knowing in
" their consciences to be so, and to be most neces-
" sary for the safety of the kingdom, they could not
" but in honour and justice avow that act of his;
" which, they were confident, would appear to all
" the world to be so far from being an affront to
" the king, that it would be found to have been an
" act of great loyalty to his majesty, and to his king-
" dom.

" The next charge upon them was, that, instead
" of giving his majesty satisfaction, they published
" a declaration concerning that business, as an ap-
" peal to the people, and as if their intercourse with
" his majesty, and for his satisfaction, were now to
" no more purpose; which course was alleged to
" be very unagreeable to the modesty and duty of
" former times, and not warrantable by any pre-
" cedents, but what themselves had made. They
" said, if the penner of that message had expected
" awhile, or had not expected that two houses of
" parliament (especially burdened, as they were at

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" that time, with so many pressing and urgent af-
" fairs) should have moved as fast as himself, he
" would not have said, that declaration was instead
" of an answer to his majesty; which they did des-
" patch with all the speed and diligence they could,
" and had sent it to his majesty by a committee of
" both houses; whereby it appeared, that they did
" it not upon that ground, that they thought it was
" no more to any purpose, to endeavour to give his
" majesty satisfaction.

" And as for the duty and modesty of former
" times, from which they were said to have varied,
" and to want the warrant of any precedents there-
" in, but what themselves had made: if they had
" made any precedents this parliament, they had
" made them for posterity, upon the same, or better
" grounds of reason and law, than those were upon,
" which their predecessors first made for them: and
" as some precedents ought not to be rules for them
" to follow, so none could be limits to bound their
" proceedings; which might and must vary, accord-
" ing to the different condition of times. And for
" that particular, of setting forth declarations for
" the satisfaction of the people, who had chosen, and
" intrusted them with all that was dearest to them:
" if there were no example for it, it was because
" there were never any monsters[h] before, that ever
" attempted to disaffect the people from a parlia-
" ment, or could ever harbour a thought that it
" might be effected. Were there ever such prac-
" tices to poison the people with an ill apprehension
" of the parliament? Were there ever such imputa-

[h] any monsters] any such monsters

" tions and scandals laid upon the proceedings of BOOK V.
" both houses? Were there ever so many and so
" great breaches of[i] privilege of parliament? Were 1642.
" there ever so many and so desperate designs of
" force and violence against the parliament, and the
" members thereof? If they had done more than
" ever their ancestors had done, they said, they had
" suffered more than ever they had suffered; and
" yet, in point of modesty and duty, they would not
" yield to the best of former times; and they would
" put that in issue, whether the highest and most
" unwarrantable precedents of any of his majesty's
" predecessors did not fall short, and much below,
" what had been done to them this parliament?
" And, on the other side, whether, if they should
" make the highest precedents of other parliaments
" their patterns, there would be cause to complain
" of want of modesty and duty in them; when they
" had not so much as suffered such things to enter
" into their thoughts, which all the world knew they
" put[k] in act?

" Another charge which was laid very high upon
" them, and which were indeed a very great crime if
" they were found guilty thereof, was, that, by avow-
" ing that act of sir John Hotham, they did, in con-
" sequence, confound and destroy the title and in-
" terest of all his majesty's good subjects to their
" lands and goods; and that upon this ground; that
" his majesty had the same title to his town of Hull,
" which any of his subjects had to their houses or
" lands, and the same to his magazine and munition
" there, that any man had to his money, plate, or

[i] of] of the [k] they put] they had put

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" jewels: and, therefore, that they ought not to have " been disposed of, without or against his consent, " no more than the house, land, money, plate, or " jewels, of any subject ought to be, without or " against his will.

" Here, they said, that was laid down for a prin- " ciple, which would indeed pull up the very founda- " tion of the liberty, property, and interest of every " subject in particular, and of all the subjects in ge- " neral, if they should admit it for a truth, that his " majesty had the same right and title to his towns, " and to his magazines, (bought with the public " monies, as they conceived that at Hull to have " been,) that every particular man hath to his house, " lands, and goods. For his majesty's towns were " no more his own, than his kingdom was his own; " and his kingdom was no more his own, than his " people are his own; and if the king had a pro- " perty in all his towns, what would become of the " subjects' propriety[l] in their houses therein? and " if he had a propriety[m] in his kingdom, what would " become of the subjects' property in their lands " throughout the kingdom? or of their liberties, if " his majesty had the same right in their persons, " that every subject hath in his lands and goods? " and what would become of all the subjects' in- " terests in the towns and forts of the kingdom, and " in the kingdom itself, if his majesty might sell, or " give them away, or dispose of them at his plea- " sure, as a particular man might do with his lands " and with his goods? This erroneous maxim being " infused into princes, that their kingdoms are their

[l] propriety] property [m] propriety] property

" own, and that they may do with them what they " will, as if their kingdoms were for them, and not " they for their kingdoms, was, they said, the root " of all the subjects' misery, and of the invading " of their just rights and liberties; whereas, indeed, " they are only intrusted with their kingdoms, and " with their towns, and with their people, and with " the public treasure of the commonwealth, and " whatsoever is bought therewith; and, by the " known law of this kingdom, the very jewels of the " crown are not the king's proper goods, but are " only intrusted to him for the use and ornament " thereof: as the towns, forts, treasure, magazines, " offices, and the people of the kingdom, and the " whole kingdom itself is intrusted unto him, for the " good, and safety, and best advantage thereof: and " as this trust is for the use of the kingdom, so ought " it to be managed by the advice[n] of the houses of " parliament, whom the kingdom hath trusted for " that purpose; it being their duty to see it dis- " charged according to the condition and true intent " thereof; and as much as in them lies, by all possi- " ble means, to prevent the contrary; which, if it had " been their chief care, and only aim, in the dispos- " ing of the town and magazine of Hull in such man- " ner as they had done, they hoped it would appear " clearly to all the world, that they had discharged " their own trust, and not invaded that of his ma- " jesty,[o] much less his property; which, in that case, " they could not do.

" But admitting his majesty had indeed[p] a pro- " perty in the town and magazine of Hull; who

[n] advice] advices

[o] majesty,] majesty's,

[p] had indeed] had indeed had

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" doubted but that a parliament may dispose of any " thing, wherein his majesty, or any subject, hath a " right, in such a way, as that the kingdom may not " be exposed to hazard or danger thereby? which " was their case, in the disposing of the town and " magazine of Hull. And whereas his majesty did " allow this, and a greater power to a parliament, " but in that sense only, as he himself was a part " thereof; they appealed to every man's conscience, " that had observed their proceedings, whether they " disjoined his majesty from his parliament, who had " in all humble ways sought his concurrence with " them, as in that particular about Hull, and for the " removal of the magazine there, so also in all other " things; or whether those evil councils about him " had not separated him from his parliament; not " only in distance of place, but also in the discharge " of the joint trust with them, for the peace and " safety of the kingdom in that, and some other par- " ticulars.

" They had given no occasion to his majesty, they " said, to declare with so much earnestness his reso- " lution, that he would not suffer either, or both " houses by their votes, without or against his con- " sent, to enjoin any thing that was forbidden by the " law, or to forbid any thing that was enjoined by " the law; for their votes had done no such thing: " and as they should be very tender of the law, (which " they did acknowledge to be the safeguard and cus- " tody of all public and private interests,) so they " would never allow a few private persons about the " king, nor his majesty himself in his own person, " and out of his courts, to be judge of the law, and " that contrary to the judgment of the highest court

" of judicature. In like manner, that his majesty " had not refused to consent to any thing, that might " be for the peace and happiness of the kingdom, " they could not admit it in any other sense, but as " his majesty taketh the measure of what will be for " the peace and happiness of his kingdom, from some " few ill affected persons about him, contrary to the " advice and judgment of his great council of parlia- " ment. And because the advice of both houses of " parliament had, through the suggestion[q] of evil " counsellors, been so much undervalued of late, and " so absolutely rejected and refused, they said, they " held it fit to declare unto the kingdom, whose ho- " nour and interest was so much concerned in it, " what was the privilege of the great council of par- " liament herein; and what was the obligation that " lay upon the kings of this realm, to pass such bills, " as are offered to them by both houses of parliament, " in the name, and for the good, of the whole king- " dom, whereunto they stand engaged, both in con- " science and justice,[r] to give their royal assent: in " conscience, in regard of the oath, that is or ought " to be taken by the kings of this realm at their co- " ronation, as well to confirm by their royal assent " such good laws, as the people shall choose, and to " remedy by law such inconveniences, as the king- " dom may suffer; as to keep and protect the laws " already in being; as may appear both by the form " of the oath upon record, and in books of good au- " thority, and by the statute of the 25 of Edward III. " entitled, the Statute of Provisors of Benefices; the

[q] suggestion] suggestions

[r] justice,] in justice,

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" form of which oath, and the clause of the statute " that concerneth it, are as followeth:

Rot. Parliament. H. IV. N. 17.

Forma juramenti soliti, et consueti præstari per reges Angliæ in eorum coronatione.

Servabis ecclesiæ Dei, cleroque, et populo, pacem ex integro, et concordiam in Deo, secundum vires tuas?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis æquam, et rectam justitiam, et discretionem in misericordia et veritate, secundum vires tuas?

Respondebit, Faciam.

Concedis justas leges, et consuetudines esse tenendas; et promittis per te eas esse protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit, secundum vires tuas?

Respondebit, Concedo et promitto.

Adjicianturque prædictis interrogationibus quæ justa fuerint, prænunciatisque omnibus, confirmet rex se omnia servaturum, sacramento super altare præstito, coram cunctis.

A clause in the preamble of a statute made the 25 Edw. III. *entitled, the Statute of Provisors of Benefices.*

Whereupon the said commons have prayed our said lord the king, that sith the right of the crown of England, and the law of the said realm is such,

that upon the mischiefs and damages, which happen to this realm, he ought, and is bound by his oath, with the accord of his people in his parliament, thereof to make remedy and law, and in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy.

Our lord the king seeing the mischiefs and damages before mentioned, and having regard to the statute made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always his force, and was never defeated, repealed, or [s] annulled in any point, and by so much he is bound [t] by his oath to cause the same to be kept as the law of his realm, though that, by sufferance and negligence, it hath been sithence attempted to the contrary: also having regard to the grievous complaints made to him by his people, in divers his parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs, which have happened, and daily do happen, to the church of England by the said cause:

" Here, they said, the lords and commons claim it " directly as the right of the crown of England, and " of the law of the land, and that the king is bound " by his oath, with the accord of his people in par- " liament, to make remedy, and law, upon the mis- " chiefs and damages, which happen to this realm; " and the king doth not deny it, although he take " occasion from a statute formerly made by his grand- " father, which was laid as part of the grounds of " this petition, to fix his answer upon another branch " of his oath, and pretermits that which is claimed

[s] or] nor [t] bound] bounden

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" by the lords and commons; which he would not " have done, if it might have been excepted against.

" In justice, they said, they are obliged thereunto, " in respect of the trust reposed in them; which is " as well to preserve the kingdom by the making new " laws, where there shall be need, as by observing of " laws already made; a kingdom being, many times, " as much exposed to ruin for the want of a new law, " as by the violation of those that are in being: and " this is so clear a right, that, no doubt, his majesty " would acknowledge it to be as due to his people, as " his protection. But how far forth he was obliged " to follow the judgment of his parliament therein, " that is the question. And certainly, besides the " words in the king's oath, referring unto such laws " as the people shall choose, as in such things which " concern the public weal and good of the kingdom, " they are the most proper judges, who are sent from " the whole kingdom for that very purpose; so they " did not find, that since laws have passed by way of " bills, (which are read thrice in both houses, and " committed; and every part and circumstance of " them fully weighed, and debated upon the commit- " ment, and afterwards passed in both houses,) that " ever the kings of this realm did deny them, other- " wise than is expressed in that usual answer, *Le roy* " *s'avisera;*[u] which signifies rather a suspension, than " a refusal of the royal assent. And in those other " laws, which are framed by way of petitions of right, " the houses of parliament have taken themselves to " be so far judges of the right claimed by them, that " when the king's answer hath not, in every point,

[u] *Le roy s'avisera;*] *Le roy l'avisera;*

" been ruly according to their desires,[x] they have " still insisted upon their claim, and never rested " satisfied, till such time as they had an answer ac- " cording to their demand; as had been done in the " late Petition of Right, and in former times upon " the like occasion. And if the parliament be judge " between the king and his people in the question " of right, (as by the manner in the claim in peti- " tions of right, and by judgments in parliament, in " cases of illegal impositions and taxes, and the " like, it appears to be,) why should they not be so " also, in the question of the common good, and ne- " cessity of the kingdom; wherein the kingdom " hath as clear a right also to have the benefit and " remedy of law, as in any thing whatsoever? And " yet they did not deny, but that in private bills, " and also in public acts of grace, as pardons, and " the like grants of favour, his majesty might have " a greater latitude of granting, or denying, as he " should think fit.

" All this considered, they said, they could not " but wonder, that the contriver of that message " should conceive the people of this land to be so " void of common sense, as to enter into so deep a " mistrust of those, whom they have, and his ma- " jesty ought to repose so great a trust in, as to de- " spair of any security in their private estates, by " descents, purchases, assurances, or conveyances; " unless his majesty should, by his vote, prevent the " prejudice they might receive therein by the votes " of both houses of parliament; as if they, who are

[x] desires,] desire,

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" especially chosen, and intrusted for that purpose, " and who themselves must needs have so great a " share in all grievances of the subject, had wholly " cast off all care of the subject's good, and his ma- " jesty had solely taken it up; and as if it could be " imagined, that they should, by their votes, over- " throw the rights of descents, purchases, or of any " conveyance or assurance, in whose judgment the " whole kingdom hath placed all their particular in- " terests, if any of them should be called in ques- " tion, in any of those cases; and that (as not know- " ing where to place them with greater security) " without any appeal from them to any other person " or court whatsoever.

" But indeed they were very much to seek, how " the case of Hull could concern descents and pur- " chases, or conveyances and assurances; unless it " were in procuring more security to men in their " private interests, by the preservation of the whole " from confusion and destruction; and much less " did they understand how the sovereign power was " resisted and despised therein. Certainly no com- " mand from his majesty, and his high court of par- " liament, (where the sovereign power resides,) was " disobeyed by sir John Hotham; nor yet was his " majesty's authority derived out of any other court, " nor by any legal commission, or by any other way, " wherein the law had appointed his majesty's com- " mands to be derived to his subjects; and of what " validity his verbal commands are, without any " such stamp of his authority upon them, and " against the order of both houses of parliament, " and whether the not submitting thereunto be a

" resisting and despising of the sovereign authority, " they would leave to all men to judge, that do at " all understand the government of this kingdom. 1642.

" They acknowledged that his majesty had made " many expressions of his zeal and intentions [y] " against the desperate designs of the papists; but " yet it was also as true, that the counsels, which " had prevailed of late with him, had been little " suitable to those expressions and intentions. For " what did more advance the open and bloody de- " sign of the papists in Ireland, (whereon the secret " plots of the papists here did, in all likelihood, de- " pend,) than his majesty's absenting himself, in " that manner that he did, from his parliament; " and setting forth such sharp invectives against " them, notwithstanding all the humble petitions, " and other means, which his parliament had ad- " dressed unto him, for his return, and for his satis- " faction concerning their proceedings? And what " was more likely to give a rise to the designs of " the papists, (whereof there were so many in the " north, near to the town of Hull,) and of other " malignant and ill affected persons, (which were " ready to join with them,) or to the attempts of " forcigners from abroad, than the continuing of " that great magazine at Hull, at this time, and " contrary to the desire and advice of both houses " of parliament? So that they had too much cause " to believe, that the papists had still some way and " means, whereby they had influence upon his ma- " jesty's counsels for their own advantage.

" For the malignant party, they said, his majesty

[y] intentions] intention

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" needed not a definition of the law, nor yet a more
" full character of them from both houses of parlia-
" ment, for to find them out, if he would please
" only to apply the [z] character, that himself had
" made of them, to those, unto whom it doth pro-
" perly and truly belong. Who are so much disaf-
" fected to the peace of the kingdom, as they that
" endeavour to disaffect his majesty from the houses
" of parliament, and persuade him to be at such a
" distance from them, both in place and affection?
" Who are more disaffected to the government of
" the kingdom, than such as lead his majesty away
" from hearkening to his parliament; which, by the
" constitution of the kingdom, is his greatest and
" best council; and persuade him to follow the ma-
" licious counsels of some private men, in opposing
" and contradicting the wholesome advices and just
" proceedings of that his most faithful council and
" highest court? Who are they, that not only neg-
" lect and despise, but labour to undermine the law,
" under colour of maintaining it, but they that en-
" deavour to destroy the fountain and conservatory
" of the law, which is the parliament? And who
" are they that set up other [a] rules for themselves
" to walk by, than such as were [b] according to law,
" but they that will make other judges of the law
" than the law hath appointed; and so dispense
" with their obedience to that, which the law call-
" eth authority, and to their determinations and re-
" solutions, to whom the judgment doth appertain
" by law? For, when private persons shall make
" the law to be their rule according to their own

[z] the] that [a] other] *Not in MS.* [b] were] are

" understanding,[c] contrary to the judgment of those " that are the competent judges thereof, they set " up unto themselves other rules than the law " doth acknowledge. Who those persons were, none " knew better than his majesty himself: and if he " would please to take all possible caution of them, " as destructive to the commonwealth and himself, " and would remove them from about him, it would " be the most effectual means to compose all the " distractions, and to cure the distempers of the " kingdom.

" For the lord Digby's letter, they said, they did " not make mention of it as a ground to hinder his " majesty from visiting[d] his own fort; but they ap- " pealed to the judgment of any indifferent man, " that should read that letter, and compare it with " the posture that his majesty then did, and still " doth, stand in towards the parliament, and with " the circumstances of that late action of his ma- " jesty's going[e] to Hull, whether the advisers of " that journey intended only a visit of that fort and " magazine?

" As to the ways and overtures of accommoda- " tion, and the message of the twentieth of January " last, so often pressed, but still in vain, as was al- " leged: their answer was, that although so often " as that message of the twentieth of January had " been pressed, so often had their privileges been " clearly infringed, that a way and method of pro- " ceedings[f] should be prescribed to them, as well " for the settling of his majesty's revenue, as for the

[c] understanding,] understandings,

[d] from visiting] to visit

[e] going] in going

[f] proceedings] proceeding

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" presenting of their own desires, (a thing, which, " in former parliaments, had always been excepted " against, as a breach of privilege,) yet, in respect " to the matter contained in that message, and out " of their earnest desire to beget a good under- " standing between his majesty and them, they " swallowed down all matters of circumstance; and " had ere that time presented the chief of their de- " sires to his majesty, had they not been interrupted " with continual denials, even of those things that " were necessary for their present security and sub- " sistence; and had not those denials been followed " with perpetual invectives against them and their " proceedings; and had not those invectives been " heaped upon them so thick one after another, " (who were in a manner already taken up wholly " with the pressing affairs of this kingdom, and of " the kingdom of Ireland,) that as they had little " encouragement from thence, to hope for any good " answers to their desires, so they had not so much " time left them to perfect them in such a manner, " as to offer them to his majesty.

" They confessed it to be [g] a resolution most wor- " thy of a prince, and of his majesty, to shut his " ears against any that would incline him to a civil " war; and to abhor the very apprehension of it. " But they could not believe that mind to have " been in them, that came with his majesty to the " house of commons; or in them, that accompanied " his majesty to Hampton-court, and appeared in a " warlike manner at Kingston upon Thames; or in " divers of them, who followed his majesty lately to

[g] to be] *Not in MS.*

" Hull; or in them, who after drew their swords in " York, demanding, *Who would be for the king?* " nor in them, that advised his majesty to declare " sir John Hotham a traitor, before the message " was sent concerning that business to the parliament, or to make propositions to the gentlemen of " the county of York to assist his majesty to proceed against him in a way of force, before he had, " or possibly could receive an answer from the parliament, to whom he had sent to demand justice " of them against sir John Hotham for that fact: " and if those malignant spirits should[h] ever force " them to defend their religion, the kingdom, the " privileges of parliament, and the rights and liberties of the subjects, with their swords; the blood, " and destruction that should ensue thereupon, must " be wholly cast upon their account; God and their " own consciences told them, that they were clear; " and they doubted not, but God and the whole " world would clear them therein.

" For captain Leg, they had not said that he was " accused, or that there was any charge against " him, for the bringing up of the army; but that " he was employed in that business. And for that " concerning the earl of Newcastle, mentioned by " his majesty, which was said to have been asked " long since, and that it was not easy to be answered: they conceived it was a question of more " difficulty, and harder to be answered, why, when " his majesty held it necessary, upon the same " grounds that first moved from the houses of parliament, that a governor should be placed in that

[h] should] did

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" town, sir John Hotham, a gentleman of known " fortune and integrity, and a person of whom both " houses of parliament had expressed their confi- " dence, should be refused by his majesty; and the " earl of Newcastle (who, by the way, was so far " named in the business of bringing up the army, " that although there was not ground enough for a " judicial proceeding, yet there was ground of suspi- " cion; at least his reputation was not left so un- " blemished thereby, as that he should be thought " the fittest man in England for that employment " of Hull) should be sent down, in a private way, " from his majesty to take upon him that govern- " ment? And why he should disguise himself under " another name, when he came thither, as he did? " But whosoever should consider, together with " those circumstances, that of the time when sir " John Hotham was appointed, by both houses of " parliament, to take upon him that employment, " which was presently after his majesty's coming to " the house of commons, and upon the retiring him- " self to Hampton-court, and the lord Digby's as- " sembling of cavaliers at Kingston upon Thames, " would find reason enough, why that town of Hull " should be committed rather to sir John Hotham, " by the authority of both houses of parliament, " than to the earl of Newcastle, sent from his ma- " jesty in that manner that he was. And for the " power that sir John Hotham had from the two " houses of parliament, the better it was known " and understood, they were confident the more it " would be approved and justified: and as they did " not conceive, that his majesty's refusal to have " that magazine removed could give any advantage

" against him to have it taken from him; and as no " such thing was done, so they could not conceive, " for what other reason any should counsel his ma- " jesty, not to suffer it to be removed, upon the de- " sire of both houses of parliament; except it were, " that they had an intention to make use of it " against them.

" They said, they did not except against those " that presented a petition to his majesty at York, " for the continuance of the magazine at Hull, in " respect of their condition, or in respect of their " number; because they were mean persons, or be- " cause they were few; but because they being but " a few, and there being so many more in the " county of as good quality as themselves, (who " had, by their petition to his majesty, disavowed " that act of theirs,) that they should take upon " them the style of all the gentry, and inhabitants " of that county; and, under that title, should pre- " sume to interpose their advice contrary to the " votes of both houses of parliament: and, if it " could be made to appear, that any of those pe- " titions, that are said to have been presented to " the houses of parliament, and to have been of " a strange nature, were of such a nature as that, " they were confident, that they were never re- " ceived with their consent and approbation.

" Whether there was an intention to deprive sir " John Hotham of his life, if his majesty had been " admitted into Hull; and whether the information " were such, as that he had ground to believe it, " they would not bring into question; for that was " not, nor ought to have been, the ground for doing

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"what he did: neither was the number of his majesty's attendants, for being more or fewer, much considerable in this case; for although it were true, that if his majesty had entered with twenty horse only, he might happily have found means for to have forced the entrance of the rest of his train; who, being once in the town, would not have been long without arms; yet that was not the ground, upon which sir John Hotham was to proceed; but upon the admittance of the king into the town at all, so as to deliver up the town and magazine unto him, and to whomsoever he should give the command thereof, without the knowledge and consent of both houses of parliament, by whom he was intrusted to the contrary: and his majesty having declared that to be his intention concerning the town, in a message that he sent to the parliament, not long before he went to Hull; saying, that he did not doubt, but that town should be delivered up to him, whensoever he pleased, as supposing it to be kept against him; and in like manner concerning his magazine, in his message of the twenty-fourth of April, wherein it is expressed, that his majesty went thither, with a purpose to take into his hands the magazine, and to dispose of it in such manner, as he should think fit: upon those terms, sir John Hotham could not have admitted his majesty, and have made good his trust to the parliament, though his majesty would have entered alone, without any attendants at all of his own, or of the prince or duke, his sons; which they did not wish to be less than they were in their number,

" but could heartily wish that they were generally " better in their condition.[1]

" In the close of that message, his majesty stated " the case of Hull; and thereupon inferred, that " the act of sir John Hotham was levying war " against the king; and, consequently, that it was " no less than high treason, by the letter of the sta- " tute of the 25 Edw. III. ch. 2, unless the sense of " that statute were very far differing from the letter " thereof.

" In the stating of that case, they said, divers " particulars might be observed, wherein it was not " rightly stated: as,

1. " That his majesty's going to Hull was only an " endeavour to visit a town and fort of his: whereas " it was indeed to possess himself of the town and " magazine there, and to dispose of them, as he him- " self should think good, without, and contrary to " the advice and orders of both houses of parlia- " ment; as did clearly appear by his majesty's own " declaration of his intentions therein, by his mes- " sages to both houses, immediately before and after " that journey. Nor could they believe, that any " man, who should consider the circumstances of " that journey to Hull, could think, that his majesty " would have gone thither at that time, and in that " posture that he was pleased to put himself in to- " wards the parliament, if he had intended only a " visit of the town and magazine.

2. " It was said to be his majesty's own town, " and his own magazine, which being understood in " that sense, as was before expressed, as if his ma-

[1] condition.] conditions.

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"jesty had a private interest of propriety therein, "they could not admit it to be so.

3. "Which was the main point of all, sir John "Hotham was said to have shut the gates against "his majesty, and to have made resistance with "armed men, in defiance of his majesty; whereas it "was indeed in obedience to his majesty, and his "authority, and for his service, and the service of "the kingdom; for which use only, all that interest "is, that the king hath in the town; and it is no "further his to dispose of, than he useth it for that "end: and sir John Hotham being commanded to "keep the town and magazine, for his majesty and "the kingdom, and not to deliver them up, but by "his majesty's authority, signified by both houses of "parliament, all that was to be understood by those "expressions, of his denying and opposing his ma-"jesty's entrance, and telling him in plain terms, "that he should not come in, was only this, that he "humbly desired his majesty to forbear his entrance, "till he might acquaint the parliament; and that "his authority might come signified to him by both "houses of parliament, according to the trust re-"posed in him. And certainly, if the letter of the "statute of the 25 Edw. III. ch. 2, be thought to "import this; that no war can be levied against the "king, but what is directed and intended against his "person, or that every levying of forces, for the de-"fence of the king's authority, and of his kingdom, "against the personal commands of the king op-"posed thereunto, though accompanied with his pre-"sence, is levying war against the king, it is very "far from the sense of that statute; and so much "the statute itself speaks, (besides the authority of

" book cases; precedents of divers traitors condemn- BOOK V.
" ed upon that interpretation thereof.) For if the
" clause of levying of war had been meant only 1642.
" against the king's person, what need had there
" been thereof after the other branch of treason, in
" the same statute, of compassing the king's death,
" which would necessarily have implied this? And
" because the former clause doth imply this, it seems
" not at all to be intended in this latter branch; but
" only the levying of war against the king, that is,
" against his laws and authority: and the levying of
" war against his laws and authority, though not
" against his person, is levying war against the king;
" but the levying of force against his personal com-
" mands, though accompanied with his presence, and
" not against his laws and authority, but in the main-
" tenance thereof, is no levying of war against the
" king, but for him.

" Here was then, they said, their case: In a time
" of so many successive plots, and designs of force
" against the parliament and the kingdom; in a time
" of probable invasion from abroad, and that to be-
" gin at Hull, and to take the opportunity of seiz-
" ing upon so great a magazine there; in a time of
" so great distance and alienation of his majesty's
" affection from his parliament, (and in them from
" his kingdom, which they represent,) by the wicked
" suggestions of a few malignant persons, by whose
" mischievous counsels he was wholly led away from
" his parliament, and their faithful advices and coun-
" sels: in such a time, the lords and commons in
" parliament command sir John Hotham to draw in
" some of the trained bands of the parts adjacent to
" the town of Hull, for the securing that town and

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"magazine for the service of his majesty, and of the "kingdom: of the safety whereof there is a higher "trust reposed in them, than any where else; and "they are the proper judges of the danger thereof.

"This town and magazine being intrusted to sir "John Hotham, with express order not to deliver "them up, but by the king's authority, signified by "both houses of parliament; his majesty, contrary "to the advice and directions[k] of both houses of "parliament, without the authority of any court, or "any legal way, wherein the law appoints the king "to speak and command, accompanied with the "same evil council about him that he had before, by "a verbal command requires sir John Hotham to "admit him into the town, that he might dispose of "it, and of the magazine there, according to his "own, or rather according to the pleasure of those "evil counsellors, who are still in so much credit "about him; in like manner as the lord Digby had "continual recourse unto, and countenance from, "the queen's majesty in Holland; by which means "he had opportunity still to communicate his trai-"torous conceptions and suggestions to both their "majesties; such as those were concerning his ma-"jesty's retiring to a place of strength, and declar-"ing himself, and his own advancing his majesty's "service in such a way beyond the seas, and after "that resorting to his majesty in such a place of "strength; and divers other things of that nature, "contained in his letter to the queen's majesty, and "to sir Lewis Dives; a person that had not the "least part in this late business of Hull, and was

[k] directions] direction

" presently despatched away into Holland, soon after " his majesty's return from Hull; for what purpose, " they left the world to judge.

" Upon the refusal of sir John Hotham to admit " his majesty into Hull, presently, without any due " process of law, before his majesty had sent up the " narration of his fact to the parliament, he was pro- " claimed traitor; and yet it was said, that therein " was no violation of the subject's rights,[l] nor any " breach of the law, nor of the privilege of parlia- " ment, though sir John Hotham be a member of " the house of commons; and that his majesty must " have better reason, than bare votes, to believe the " contrary; although the votes of the lords and com- " mons in parliament, being the great council of the " kingdom, are the reason of the king, and of the " kingdom: yet these votes, they said, did not want " clear and apparent reason for them; for if the so- " lemn proclaiming him a traitor signify any thing, " it puts a man, and all those that any way aid, as- " sist, or adhere unto him, in the same condition of " traitors; and draws upon him all the consequences " of treason: and if that might be done by law, " without due process of law, the subject hath a " very poor defence of the law, and a very small, if " any, proportion of liberty thereby. And it is as " little satisfaction to a man, that shall be exposed " to such penalties, by that declaration of him to be " traitor,[m] to say, he shall have a legal trial after- " wards, as it is to condemn a man first, and try him " afterwards. And if there could be a necessity for " any such proclaiming a man a traitor, without due

[l] rights,] right,

[m] traitor,] a traitor.

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" process of law, yet there was none in this case; for " his majesty might as well have expected the judg- " ment of parliament, (which was the right way,) as " he had leisure to send to them to demand justice " against sir John Hotham. And the breach of pri- " vilege of parliament was as clear in this case, as " the subversion of the subject's common right: for, " though the privileges of parliament do not extend " to those cases, mentioned in the declaration, of " treason, felony, and breach of peace, so as to ex- " empt the members of parliament from punishment, " nor from all manner of process and trial, as it doth " in other cases; yet it doth privilege them in the " way and method of their trial and punishment; " and that the parliament should have the cause first " brought before them, that they may judge of the " fact, and of the grounds of the accusation, and " how far forth the manner of their trial may con- " cern, or not concern, the privilege of parliament. " Otherwise it would be in the power, not only of " his majesty, but of every private man, under pre- " tensions of treasons, or those other crimes, to take " any man from his service in parliament; and so as " many one after another as he pleaseth; and, con- " sequently, to make a parliament what he will, " when he will; which would be a breach of so es- " sential a privilege of parliament, as that the very " being thereof depends upon it. And therefore " they no ways doubted but every one, that had " taken the protestation, would, according to his " solemn vow and oath, defend it with his life and " fortune. Neither did the sitting of a parliament " suspend all, or any law, in maintaining that law, " which upholds the privilege of parliament; which

" upholds the parliament; which upholds the king-
" dom. And they were so far from believing, that
" his majesty was the only person against whom
" treason could not be committed, that, in some
" sense, they acknowledged he was the only person
" against whom it could be committed; that is, as
" he is king: and that treason, which is against the
" kingdom, is more against the king, than that which
" is against his person; because he is king: for that
" very treason is not treason, as it is against him as
" a man, but as a man that is a king; and as he
" hath relation to the kingdom, and stands as a per-
" son intrusted with the kingdom, and discharging
" that trust.

" Now, they said, the case was truly stated, and
" all the world might judge where the fault was;
" although they must avow, that there could be no
" competent judge of this, or any the like case, but
" a parliament. And they were as confident, that
" his majesty should never have cause to resort to
" any other court, or course, for the vindication of
" his just privileges, and for the recovery and main-
" tenance of his known and undoubted rights, if
" there should be any invasion or violation thereof,
" than to his high court of parliament: and, in case
" those wicked counsellors about him should drive
" him into any other course from and against his
" parliament, whatever his majesty's expressions and
" intentions were, they should appeal to all men's
" consciences; and desire, that they would lay their
" hands upon their hearts, and think with them-
" selves, whether such persons, as had of late, and
" still did resort unto his majesty, and had his ear
" and favour most, either had been or were more

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" zealous assertors of the true protestant profession,
" (although they believed they were more earnest in
" the protestant profession than in the protestant re-
" ligion,) or the law of the land, the liberty of the
" subject, and the privileges of the parliament, than
" the members of both houses of parliament; who
" were insinuated to be the deserters, if not the
" destroyers of them: and whether, if they could
" master this parliament by force, they would not
" hold up the same power to deprive us of all par-
" liaments; which are the ground and pillar of the
" subject's liberty, and that which only maketh Eng-
" land a free monarchy.

" For the order of assistance to the committee of
" both houses, as they had no directions or instruc-
" tions[n], but what had the laws[o] for their limits,
" and the safety of the land for their ends, so they
" doubted not but all persons mentioned in that or-
" der, and all his majesty's good subjects, would
" yield obedience to his majesty's authority, signi-
" fied therein by both houses of parliament. And
" that all men might the better know their duty
" in matters of that nature, and upon how sure a
" ground they go, that follow the judgment of par-
" liament for their guide, they wished them judi-
" ciously to consider the true meaning and ground
" of that statute made in the eleventh year of king
" Hen. VII. ch. 1. which was printed at large in
" the end of his majesty's message of the fourth of
" May: that statute provides, that none who shall
" attend upon the king, and do him true service,
" should be attainted, or forfeit any thing. What

[n] or instructions] *Not in MS.*

[o] laws] law

" was the scope of that statute? To provide that
" men should not suffer as traitors, for serving the
" king in his wars according to the duty of their
" allegiance? If this had been all, it had been a
" very needless and ridiculous statute. Was it then
" intended, (as they seemed to take the meaning of
" it to be, that caused it to be printed after his ma-
" jesty's message,) that they should be free from all
" crime and penalty, that should follow the king,
" and serve him in war in any case whatsoever;
" whether it were for or against the kingdom, and
" the laws thereof? That could not be; for that
" could not stand with the duty of their allegiance;
" which, in the beginning of the statute, was ex-
" pressed to be to serve the king for the time being
" in his wars, for the defence of him and the land;
" and therefore if it be against the land, (as it can-
" not be understood to be otherwise, if it be against
" the parliament, the representative body of the
" kingdom,) it is a declining from the duty of alle-
" giance; which this statute supposeth may be done,
" though men should follow the king's person in the
" war: otherwise there had been no need of such a
" proviso in the end of the statute, that none should
" take the benefit thereby, that should decline from
" their allegiance. That therefore which is the prin-
" cipal verb in this statute is, the serving of the king
" for the time being; which could not be meant of[p]
" Perkin Warbeck, or any that should call himself
" king; but such a one, as, whatever his title might
" prove, either in himself or in his ancestors, should

[p] of] of a

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" be received and acknowledged for such by the " kingdom; the consent whereof cannot be discern- " ed but by parliament; the act whereof is the act " of the whole kingdom, by the personal suffrage of " the peers, and the delegate consent of all the com- " mons of England.

" And Henry VII. a wise king, considering[q] that " what was the case of Rich. III. his predecessor, " might, by chance of battle, be his own; and that " he might at once, by such a statute as this, satisfy " such as had served his predecessor in his wars, " and also secure those which should serve him, who " might otherwise fear to serve him in the wars; " lest, by chance of battle, that might happen to him " also, (if a duke of York had set up a title against " him,) which had happened to his predecessor, he " procured this statute to be made; that no man " should be accounted a traitor for serving the king, " in his wars, for the time being, that is, which was " for the present allowed and received by the parlia- " ment in behalf of the kingdom: and, as it is truly " suggested in the preamble of the statute, it is not " agreeable to reason or conscience, that it should " be otherwise; seeing men should be put upon an " impossibility of knowing their duty, if the judg- " ment of the highest court should not be a rule " and guide to them. And if the judgment thereof " should not be followed, where the question is, who " is king? much more, what is the best service of " the king and kingdom? And therefore those, who " should guide themselves by the judgment of par-

[q] considering] *Omitted in MS.*

" liament, ought, whatever happen, to be secure and " free from all account and penalties, upon the " grounds and equity of this very statute.

" They said, they would conclude, that although " those wicked counsellors about his majesty had " presumed, under his majesty's name, to put that " dishonour and affront upon both houses of parlia- " ment; and to make them the countenancers of " treason, enough to have dissolved all the bands " and sinews of confidence between his majesty and " his parliament, (of whom the maxim of the law " is, that a dishonourable thing ought not to be " imagined of them,) yet they doubted not, but it " should, in the end, appear to all the world, that " their endeavours had been most hearty and sin- " cere, for the maintenance of the true protestant " religion; the king's just prerogative; the laws " and liberties of the land; and the privileges of " parliament: in which endeavours, by the grace of " God, they would still persist, though they should " perish in the work; which if it should be, it was " much to be feared, that religion, laws, liberties, " and parliaments, would not be long lived after " them."

This declaration wrought more upon the minds of men, than all that they had done; for the business at Hull was, by very many, thought to be done before projected; and the argument of the militia to be entered upon at first in passion, and afterwards pursued with that vehemence, insensibly, by being engaged; and that both extravagances had so much weighed down the king's trespasses, in coming to the house and accusing the members, that a reasonable agreement would have been the sooner consented to

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on all hands. But when, by this declaration, they saw foundations laid, upon which not only what had been already done would be well justified, but whatsoever they should, hereafter, find convenient to second what was already done; and that not only the king, but the regal power, was either suppressed, or deposited in other hands; the irregularity and monstrousness of which principles found little opposition or resistance, even for the irregularity and monstrousness: very many thought it as unsafe to be present at those consultations, as to consent to the conclusions; and so great numbers of the members of both houses absented themselves; and many, especially of the house of peers, resorted to his majesty at York. So that, in the debates of the highest consequence, there was[r] not usually present, in the house of commons, the fifth part of their just numbers; and, very often, not above a dozen or thirteen in the house of peers. In the mean time the king had a full court, and received all comers with great clemency and grace; calling always all the peers to council, and communicating with them all such declarations, as[s] he thought fit to publish in answer to those of the parliament; and all messages, and whatever else was necessary to be done for the improvement of his condition: and, having now the great seal with him, issued such proclamations, as were seasonable for the preservation of the peace of the kingdom. First he published a declaration in answer to that of the nineteenth of May, in which his majesty said:

His majesty's answer to the decla-

"That if he could be weary of taking any pains "for the satisfaction of his people, and to undeceive

[r] was] were [s] as] *Not in MS.*

1642. ration of the nineteenth of May.

" them of those specious, mischievous infusions, which " were daily instilled into them, to shake and corrupt " their loyalty and affection to his majesty and his " government, after so full and ample declaration of " himself and intentions, and so fair and satisfactory " answers to all such matters as had been objected " to him, by a major part present of both houses of " parliament, he might well give over that labour of " his pen; and sit still, till it should please God to " enlighten the affections and understandings of his " good subjects on his behalf, (which he doubted not, " but that, in his good time, he would do,) that they " might see his sufferings were their sufferings: but " since, instead of applying themselves to the method, " proposed by his majesty, of making such solid par- " ticular propositions, as might establish a good un- " derstanding between them, or of following the ad- " vice of his council of Scotland, (with whom they " communicated their affairs,) in forbearing all means " that might make the breach wider, and the wound " deeper; they had chosen to pursue his majesty " with new reproaches, or rather to continue and " improve the old, by adding, and varying little cir- " cumstances and language, in matters formerly urg- " ed by them, and fully answered by his majesty, he " had prevailed with himself, upon very mature and " particular consideration of it, to answer the late " printed book, entitled a Declaration or Remon- " strance of the Lords and Commons, which was or- " dered, the nineteenth of May last, to be printed " and published; hoping then, that they would put " his majesty to no more of that trouble, but that " that should have been the last of such a nature " they would have communicated to his people; and

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" that they would not, as they had done since, have " thought fit to assault him with a newer declara- " tion, indeed of a very new nature and learning; " which should have another answer: and he doubt- " ed not, but that his good subjects would, in short " time, be so well instructed in the differences and " mistakings between them, that they would plainly " discern, without resigning their reason and under- " standing to his prerogative, or the infallibility of a " now major part of both houses of parliament, (in- " fected by a few malignant spirits,) where the fault " was.

" His majesty said, though he should, with all hu- " mility and alacrity, be always forward to acknow- " ledge the infinite mercy and providence of Al- " mighty God, vouchsafed, so many several ways, to " himself and this nation; yet, since God himself " doth not allow, that we should fancy and create " dangers to ourselves, that we might manifest and " publish his mercy in our deliverance; he must pro- " fess, that he did not know those deliverances, men- " tioned in the beginning of that declaration, from " so many wicked plots and designs, since the begin- " ning of this parliament, which, if they had taken " effect, would have brought ruin and destruction " upon this kingdom. His majesty well knew the " great labour and skill, which had been used to " amuse and affright his good subjects with fears and " apprehensions of plots and conspiracies; the several " pamphlets published, and letters scattered up and " down, full of such ridiculous, contemptible animad- " versions to that purpose, as (though they found, for " what end God knows, very unusual countenance) " no sober man would be moved with them. But,

" he must confess, he had never been able to inform " himself of any such pernicious, formed design " against the peace of the kingdom, since the begin- " ning of this parliament, as was mentioned in that " declaration, or which might be any warrant to " those great fears, both houses of parliament seemed " to be transported with; but he had great reason " to believe, that more mischief and danger had been " raised and begotten, to the disturbance of the king- " dom, than cured and [t] prevented, by those fears and " jealousies. And therefore, however the rumour " and discourse of plots and conspiracies might have " been necessary to the designs of particular men, " they should do well not to pay any false devotions " to Almighty God, who discerns whether our dan- " gers are real or pretended.

" For the bringing up of the army to London, as " his majesty had heretofore, by no other direction " than the testimony of a good conscience, called " God to witness, that he never had, or knew of, any " such resolution; so he said, upon the view of the " depositions now published with that declaration, it " was not evident to his majesty, that there was ever " such a design; unless every loose discourse, or ar- " gument, be evidence enough of a design: and it " was apparent, that what had been said of it, was " near three months before the discovery to both " houses of parliament; so that if there were any " danger threatened that way, it vanished without " any resistance, or prevention, by the wisdom, pow- " er, or authority of them.

" It seemed the intention of that declaration,

[t] and] or

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" whatsoever other end it had, was to answer a de-
" claration they had received from his majesty, in
" answer to that which was presented to his majesty
" at Newmarket, the ninth of March last; and like-
" wise his[u] answer to the petition of both houses,
" presented to him at York, the twenty-sixth of
" March: but, before it fell upon any particular of
" his majesty's declaration or answer, it complained
" that the heads of the malignant party had, with
" much art and industry, advised him to suffer divers
" unjust scandals and imputations upon the parlia-
" ment, to be published in his name, whereby they
" might make it odious to the people, and, by their
" help, destroy it: but not instancing in any one
" scandal, or imputation, so published by his majes-
" ty, he was, he said, still to seek for the heads of
" that malignant party. But his good subjects would
" easily understand, that if he were guilty of that
" aspersion, he must not only be active in raising
" the scandal, but passive in the mischief begotten
" by that scandal, his majesty being an essential
" part of the parliament; and he hoped the just de-
" fence of himself and his authority, and the neces-
" sary vindication of his innocence and justice, from
" the imputations laid on him, by a major part
" then present of either or both houses, should no
" more be called a scandal upon the parliament, than
" the opinion of such a part be reputed an act of par-
" liament: and he hoped his good subjects would
" not be long misled, by that common expression in
" all the declarations, wherein they usurp the word
" parliament, and apply it to countenance any reso-

[u] his] to his

" lution or vote some few had a mind to make, by
" calling it the resolution of parliament; which
" could never be without his majesty's consent;
" neither could the vote of either or both houses
" make a greater alteration in the laws of the king-
" dom, (so solemnly made by the advice of their pre-
" decessors, with the concurrence of his majesty and
" his ancestors,) either by commanding or inhibiting
" any thing, (besides the known rule of the law,)
" than his single direction or mandate could do, to
" which he did not ascribe that authority.

" But that declaration informed the people, that
" the malignant party had drawn his majesty into
" the northern parts, far from his parliament. It
" might, his majesty said, more truly and properly
" have said, that it had driven, than drawn him
" thither; for, he confessed, his journey thither (for
" which he had no other reason to be sorry, than
" with reference to the cause of it) was only forced
" upon him, by the true malignant party; which
" contrived and countenanced those barbarous tu-
" mults, and other seditious circumstances, of which
" he had so often complained, and hereafter should
" say more; and which indeed threatened so much
" danger to his person, and laid so much scandal
" upon the privilege and dignity of parliament, that
" he wondered it could be mentioned without blushes
" or indignation: but of that anon: but why the ma-
" lignant party should be charged with the[x] causing
" a press to be transported to York, his majesty said,
" he could not imagine; neither had any papers or
" writings issued from thence, to his knowledge, but

[x] the] *Not in MS.*

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" what had been extorted from him by such provo-
" cations, as had not been before offered to a king.
" And, no doubt, it would appear a most trivial and
" fond exception, when all presses were open to vent
" whatsoever they thought fit to say to the people,
" (a thing unwarranted by former custom,) that his
" majesty should not make use of all lawful means,
" to publish his just and necessary answers there-
" unto. As for the authority of the great seal,
" (though he did not know that it had been neces-
" sary to things of that nature,) the same should be
" more frequently used hereafter, as occasion should
" require; to which he made no doubt, but the
" greater and better part of his privy council would
" concur; and whose advice he was resolved to fol-
" low, as far as it should be agreeable to the good
" and welfare of the kingdom.

" Before that declaration vouchsafed to insist
" upon[y] any particulars, it was pleased to censure
" both his majesty's declaration and answer to be
" filled with harsh censures, and causeless charges
" upon the parliament[z], (still misapplying the word
" parliament to the vote of both houses,) concerning
" which they resolve to give satisfaction to the king-
" dom, since they found it very difficult to satisfy
" his majesty. If, as in the usage of the word par-
" liament, they had left his majesty out of their
" thoughts; so by the word kingdom, they intended
" to exclude all his people who were not within
" their walls, (for that was grown another phrase of
" the time, the vote of the major part of both houses,
" and sometimes of one, was now called the resolu-

[y] upon] on

[z] parliament] *Omitted in MS.*

" tion of the whole kingdom,) his majesty believed,
" it might not be hard to give satisfaction to them-
" selves; otherwise he was confident, (and, he said,
" his confidence proceeded from the uprightness of
" his own conscience,) they would never be able so
" to sever the affections of his majesty and his king-
" dom, that what could not be satisfaction to the
" one, should be to the other: neither would the
" style of humble, and faithful, and telling his ma-
" jesty that they will make him [a] a great and glo-
" rious king, in their petitions and remonstrances,
" so deceive his good subjects, that they would pass
" over the reproaches, threats, and menaces they
" were stuffed with; which surely could not be
" more gently reprehended by his majesty, than by
" saying, their expressions were different from the
" usual language to princes; which that declaration
" told him he had no occasion to say: but he be-
" lieved, whosoever looked over that declaration,
" presented to him at Newmarket, to which his was
" an answer, would find the language throughout it
" to be so unusual, that, before this parliament, it
" could never be paralleled; whilst, under pretence
" of justifying their fears, they gave so much coun-
" tenance to the discourse of the rebels of Ireland,
" as if they had a mind his good subjects should
" give credit to it: otherwise, being warranted by
" the same evidence, which they have since published,
" they would have as well declared, [b] that those re-
" bels publicly threaten the rooting out the [c] name
" of the English, and that they will have a king of

[a] him] his majesty

[b] they would have as well declared,] *Not in MS.*

[c] the] of the

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" their own, and no longer be governed by his ma-
" jesty, as that they say, that they do nothing, but
" by his majesty's authority; and that they call
" themselves the queen's army. And therefore he
" had great reason to complain of the absence of
" justice and integrity in that declaration; besides
" the unfitness of other expressions.

" Neither did his majesty mistake the substance,
" or logic of their message to him, at Theobalds,
" concerning the militia; which was no other, and
" was stated to be no other, even by that declaration
" that reproved him, than a plain threat, that if his
" majesty refused to join with them, they would
" make a law without him[d]: nor had the practice
" since that time been other; which would never be
" justified to the most ordinary if not partial[e] under-
" standings, by the mere averring it to be according
" to the fundamental laws of this kingdom, without
" giving any directions, that the most cunning and
" learned men in the laws might be able to find
" those foundations. And he would appeal unto all
" the world, whether they might not, with as much
" justice, and by as much law, have seized upon the
" estate of every member of both houses, who dis-
" sented from that pretended ordinance, (which
" much the major part of the house of peers did,
" two or three several times,) as they had invaded
" that power of his over the militia, because he,
" upon reasons they had not so much as pretended
" to answer, refused to consent to that proposition.

" And if no better effects, than loss of time, and
" hinderance of the public affairs, had been found by

[d] him] his majesty

[e] if not partial] *Not in MS.*

" his answers and replies, all good men might judge
" by whose default, and whose want of duty, such
" effects had been; for as his end, indeed his only
" end, in those answers and replies, had been the
" settlement and composure of public affairs; so, he
" was assured, and most men did believe, that if
" that due regard and reverence had been given to
" his words, and that consent and obedience to his
" counsels, which he expected, there had been, be-
" fore that time, a cheerful calm upon the face of
" the whole kingdom; every man enjoying his own,
" with all possible peace and security that can be
" imagined; which surely those men did not desire,
" who (after all those acts of justice and favour
" passed by him this parliament; all those suffer-
" ings and affronts endured and undergone by him)
" thought fit still to reproach him with ship-money,
" coat and conduct-money, and other things so abun-
" dantly declared, as that declaration itself confessed,
" in the general remonstrance of the state of the
" kingdom, published in November last; which his
" majesty wondered to find now avowed to be the
" remonstrance of both houses; and which, he was
" sure, was presented to him only by the house of
" commons; and did never, and, he was confident,
" in that time could never have passed the house of
" peers; the concurrence and authority of which was
" not then thought necessary. Should his majesty
" believe those reproaches to be the voice of the
" kingdom of England, that all his loving subjects
" eased, refreshed, strengthened, and abundantly sa-
" tisfied with his acts of grace and favour towards
" them, were willing to be involved in those un-

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"thankful expressions? He would appeal to the "thanks and acknowledgments published in the petitions of most of the counties of England; to "the testimony and thanks he had received from "both houses of parliament; how seasonable, how "agreeable that usage was to his majesty's merit, or "their former expressions.

"His majesty said, he had not at all swerved "or departed from his resolutions, or words, in the "beginning of this parliament; he had said, he was "resolved to put himself freely and clearly upon the "love and affection of his English subjects; and he "said so still, as far as concerns England. And he "called Almighty God to witness, all his complaints "and jealousies, which had never been causeless, nor "of his houses of parliament, (but of some few schismatical, factious, and ambitious spirits; and upon "grounds, as he feared, a short time would justify "to the world,) his denial of the militia, his absenting himself from London, had been the effects "of an upright and faithful affection to his English "subjects; that he might be able, through all the "inconveniences he might be compelled to wrestle "with, at last to preserve and restore their religion, "laws, and liberties unto them.

"Since the proceeding against the Lord Kimbolton, and the five members, was still looked "upon, and so often pressed, as so great an advantage against his majesty, that no retractation made "by him, nor no action, since that time committed "against him, and the law of the land, under the "pretence of vindication of privilege, could satisfy "the contrivers of that declaration; but that they

" would have his good subjects believe, the accusa-
" tion of those six[f] members must be a plot for the
" breaking the neck of the parliament, (a strange
" arrogance, if any of those members had the pen-
" ning of that declaration,) and that it was so often
" urged against him, as if by that single, casual mis-
" take of his, in form only, he had forfeited all duty,
" credit, and allegiance from his people, he said, he
" would, without endeavouring to excuse that, which
" in truth was an error, (his going to the house of
" commons,) give his people a full and clear narra-
" tion of the matter of fact; assuring himself, that
" his good subjects would not find his carriage, in
" that business, such as had been reported.

" His majesty said, that when he resolved, upon
" such grounds, as, when they should be published,
" would satisfy the world, that it was fit for his
" own safety and honour, and the peace of the king-
" dom, to proceed against those persons; though,
" he well knew, there was no degree of privilege in
" that case; yet, to shew his desire of correspond-
" ence with the two houses of parliament, he chose
" rather than to apprehend their persons by the or-
" dinary ministers of justice, (which, according to
" the opinion and practice of former times, he might
" have done,) to command his attorney general, to
" acquaint his house of peers with his intention, and
" the general matters of his charge, (which was yet
" more particular, than a mere accusation,) and to
" proceed accordingly; and at the same time sent
" a sworn servant, a sergeant at arms, to the house
" of commons, to acquaint them, that his majesty

[f] six] five

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" did accuse, and intended to prosecute, the five " members of that house for high treason; and did " require, that their persons might be secured in " custody. This he did, not only to shew that he " intended not to violate or invade their privileges, " but to use more ceremony towards them, than he " then conceived in justice might be required of " him; and expected at least such an answer, as " might inform him, if he were out of the way; but " he received none at all; only, in the instant, " without offering any thing of their privileges to " his consideration, an order was made, and the " same night published in print, that if any person " whatsoever should offer to arrest the person of " any member of that house, without first acquaint- " ing that house therewith, and receiving further " order from that house, that it should be lawful for " such member, or any person, to resist[g] them, and " to stand upon his or their guard of defence; and " to make resistance, according to the protestation " taken to defend the privileges of parliament: and " this was the first time that he heard the protesta- " tion might be wrested to such a sense, or that in " any case, though of the most undoubted and un- " questionable privilege, it might be lawful for any " person to resist, and use violence against a pub- " lic minister of justice, armed with lawful au- " thority; though his majesty well knew, that even " such a minister might be punished for executing " such authority.

" Upon viewing that order, his majesty confessed, " he was somewhat amazed, having never seen or

[g] resist] assist

"heard of the like; though he had known mem-
"bers of either house committed, without so much
"formality as he had used, and upon crimes of a far
"inferior nature to those he had suggested; and
"having no course proposed him for his proceeding,
"he was, upon the matter, only told, that against
"those persons he was not to proceed at all; that
"they were above his reach, or the reach of the
"law. It was not easy for him to resolve what to
"do: if he employed his ministers of justice in the
"usual way for their apprehension, who without
"doubt would not have refused to have executed
"his lawful commands, he saw what opposition, and
"resistance, was like to be made; which, very pro-
"bably, might have cost some blood: if he sat still,
"and desisted upon that terror, he should, at the
"best, have confessed his own want of power, and
"the weakness of the law. In that strait, he put
"on a sudden resolution, to try whether his own
"presence, and a clear discovery of his intention,[h]
"which happily[i] might not have been so well un-
"derstood, could remove those doubts, and prevent
"those inconveniences, which seemed to have been
"threatened; and thereupon he resolved to go, in
"his own person, to the house of commons; which
"he discovered not, till the very minute of his go-
"ing; when he sent out orders[k], that his servants,
"and such gentlemen as were then in his court,
"should attend him to Westminster; but giving
"them express command, as he had expressed in
"his answer to the ordinance, that no accidents, or

[h] intention,] intentions,
[i] happily] haply
[k] orders] *Not in MS.*

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" provocation, should draw them to any such action,
" as might imply a purpose of force in his majesty;
" and himself, requiring those of his train not to
" come within the door, went into the house of com-
" mons; the bare doing of which, he did not then
" conceive, would have been thought more a breach
" of privilege, than if he had gone to the house of
" peers, and sent for them to come to him: which
" was the usual custom.

" He used the best expressions he could, to assure
" them how far he was from any intention of vio-
" lating their privileges; that he intended to pro-
" ceed legally and speedily against the persons he
" had accused; and desired therefore, if they were
" in the house, that they might be delivered to him;
" or if absent, that such course might be taken for
" their forthcoming, as might satisfy his just de-
" mands; and so he departed, having no other pur-
" pose of force, if they had been in the house, than
" he had before protested, before God, in his answer
" to the ordinance. They had an account now of
" his part of that story fully; his people might judge
" freely of it. What followed on their part, (though
" that declaration said, it could not withdraw any
" part of their reverence and obedience from his
" majesty; it might be any part of theirs it did
" not,) he should have too much cause hereafter to
" inform the world.

" His majesty said, there would be no end of this[l]
" discourse, and of[m] upbraiding him with evil coun-
" sellors, if, upon his constant denial of knowing
" any, they would not vouchsafe to inform him of

[l] this] the [m] of] *Not in MS.*

" them; and after eight months amusing the king-
" dom with the expectation of the discovery of a ma-
" lignant party, and of evil counsellors, they would
" not at last name any, nor describe them. Let the
" actions or[n] lives of men be examined, who had
" contrived, counselled, actually consented to grieve
" and burden his people; and if such were now
" about his majesty, or any against whom any no-
" torious, malicious crime could be proved, if he
" sheltered and protected any such, let his injustice
" be published to the world: but till that were done,
" particularly, and manifestly, (for he should never
" conclude any man upon a bare, general vote of
" the major part of either, or both houses, till it
" were evident, that that major part was without
" passion or affection,) he must look upon the charge
" that declaration put upon him,[o] of cherishing and
" countenancing a discontented party of the king-
" dom against them, as a heavier and unjuster tax
" upon his justice and honour, than any he had, or
" could lay, upon the framers of that declaration.
" And now, to countenance those unhandsome ex-
" pressions, whereby they usually had[p] implied his
" majesty's connivance at, or want of zeal against,
" the rebellion of Ireland, (so odious to all good
" men,) they had found a new way of exprobration:
" that the proclamation against those bloody trai-
" tors came not out, till the beginning of January,
" though that rebellion broke[q] out in October, and
" then, by special command from his majesty, but
" forty copies were appointed to be printed. His

[n] or] of
[o] upon him,] on him,
[p] whereby they usually had] whereby usually they had
[q] broke] brake

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" majesty said, it was well known where he was at
" that time, when that rebellion broke[r] forth; in
" Scotland: that he immediately, from thence, re-
" commended the care of that business to both
" houses of parliament here, after he had provided
" for all fitting supplies from his kingdom of Scot-
" land: that, after his return hither, he observed all
" those forms for that service, which he was advised
" to by his council of Ireland, or both houses of par-
" liament here; and if no proclamation issued out
" sooner, (of which, for the present, he was not cer-
" tain; but thought that others, by his directions,
" were issued before that time,) it was, because the
" lords justices of the kingdom desired them no
" sooner; and when they did, the number they de-
" sired was but twenty; which they advised might
" be signed by his majesty; which he, for expedi-
" tion of the service, commanded to be printed; a
" circumstance not required by them; thereupon he
" signed more of them, than his justices desired; all
" which was very well known to some members of
" one, or both houses of parliament; who had the
" more to answer, if they forbore to express it at
" the passing of that declaration; and if they did
" express it, he had the greater reason to complain,
" that so envious an aspersion should be cast on his
" majesty to his people, when they knew well how
" to answer their own objection.

" What that complaint was against the parlia-
" ment, put forth in his name, which was such an
" evidence and countenance to the rebels, and spoke
" the same language of the parliament which the

[r] broke] brake

" rebels did; he said he could not understand. All
" his answers and declarations had been, and were,
" owned by himself; and had been attested under
" his own hand: if any other had been published in
" his name, and without his authority, it would be
" easy for both houses of parliament to discover and
" apprehend the authors; and he wished, that who-
" soever was trusted with the drawing and penning
" that declaration, had no more authority, or cun-
" ning to impose upon, or deceive a major part of
" those votes, by which it passed, than any man
" had to prevail with his majesty to publish in his
" name any thing, but the sense and resolution of
" his own heart; or that the contriver of that de-
" claration could, with as good a conscience, call
" God to witness, that all his counsels and endea-
" vours had been free from all private aims, per-
" sonal respects or passions whatsoever, as his ma-
" jesty had done, and did, that he never had, or
" knew of any[s] such resolution of bringing up the
" army to London.

" And since that new device was found out, in-
" stead of answering his reasons, or satisfying his
" just demands, to blast his declarations and an-
" swers, as if they were not his own; a bold, sense-
" less imputation; he said he was sure, that every
" answer and declaration, published by his majesty,
" was much more his own, than any one of those
" bold, threatening, and reproachful petitions and
" remonstrances, were the acts of either, or both
" houses. And if the penner of that declaration
" had been careful of the trust reposed in him, he

[s] any] *Not in MS.*

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"would never have denied, (and thereupon found[t] "fault with his majesty's just indignation,) in the "text or margent, that his majesty had never been "charged with the intention of any force; and that "in their whole declaration, there was no one word "tending to any such reproach; the contrary where- "of was so evident, that his majesty was, in ex- "press terms, charged in that declaration, that he "had sent them gracious messages, when, with his "privity, bringing up the army was in agitation; "and, even in that declaration, they sought to "make the people believe some such thing to be "proved, in the depositions therewith published; "wherein, his majesty doubted not, they would as "much fail, as they did in their censure of that pe- "tition, shewed formerly to his majesty by captain "Leg, and subscribed by him C. R.[u] which, notwith- "standing his majesty's full and particular narra- "tion of the substance of that petition, the circum- "stances of his seeing and approving it, that de- "claration was pleased to say, was full of scandal "to the parliament, and might have proved danger- "ous to the whole kingdom. If they had that dan- "gerous petition in their hands, his majesty said, "he had no reason to believe any tenderness to- "wards him had kept them from communicating "it; if they had it not, his majesty ought to have "been believed: but that all good people might "compute their other pretended dangers by their "clear understanding of that, the noise whereof "had not been inferior to any of the rest, his ma- "jesty said, he had recovered a true copy of the

[t] found] have found C. R.] with C R.

"very petition he had signed with C. R. which "should, in fit time, be published; and which, he "hoped, would open the eyes of his good people.

"Concerning his warrant for Mr. Jermyn's pas- "sage, his answer was true, and full; but for his "black satin suit, and white boots, he could give "no account.

"His majesty had complained in his declaration, "and, as often as he should have occasion to men- "tion his return, and residence near London, he "should complain, of the barbarous and seditious "tumults at Whitehall and Westminster; which "indeed had been so full of scandal to his govern- "ment, and danger to his person, that he should "never think of his return thither, till he had jus- "tice for what was past, and security for the time "to come: and if there were so great a necessity, "or desire of his return, as was pretended, in all "this[z] time, upon so often pressing his desires, and "upon causes so notorious, he should at least have "procured some order for the future. But that de- "claration told his majesty he was, upon the mat- "ter, mistaken; the resort of the citizens to West- "minster was as lawful, as the resort of great num- "bers every day in the term to the ordinary courts "of justice; they knew no tumults. Strange! was "the disorderly appearance of so many thousand "people, with staves and swords, crying through "the streets, Westminster-hall, the passage between "both houses, insomuch as the members could "hardly pass to and fro, *No bishops, down with "the bishops*, no tumults? What member was

[z] this] *Omitted in MS.*

BOOK V. 1642.

"there of either house, that saw not those numbers, "and heard not those cries? And yet lawful as- "semblies! Were not several members of either "house assaulted, threatened, and evilly entreated? "And yet no tumults! Why made the house of "peers a declaration, and sent it down to the house "of commons, for the suppressing of tumults, if "there were no tumults? And if there were any, "why was not such a declaration consented to, and "published? When the attempts were so visible, "and threats so loud to pull down the abbey at "Westminster, had not his majesty just cause to "apprehend, that such people might continue their "work to Whitehall? Yet no tumults! What a "strange time are we in, that a few impudent, ma- "licious (to give them no worse term) men should "cast such a mist of error before the eyes of both "houses of parliament, as that they either could "not, or would not, see how manifestly they in- "jured themselves, by maintaining those visible un- "truths. His majesty said, he would say no more: "by the help of God and the law, he would have "justice for those tumults.

"From excepting, how weightily every man "might judge, to what his majesty had said, that "declaration proceeded to censure him for what he "had not said; for the prudent omissions in his an- "swer: his majesty had forborne to say any thing "of the words spoken at Kensington; or the arti- "cles against his dearest consort, and the accusa- "tion of the six members: of the last, his majesty "said, he had spoken often; and he thought, enough "of the other two; but having never accused any, "(though God knew what truth there might be in

" either,) he had no reason to give any particular
" answer.

" He said, he did not reckon himself bereaved of
" any part of his prerogative; which he was pleased
" freely, for a time, to part with by bill; yet he
" must say, he expressed a great trust in his two
" houses of parliament, when he divested himself of
" the power of dissolving this parliament; which
" was a just, necessary, and proper prerogative.
" But he was glad to hear their resolution, that it
" should not encourage them to do any thing which
" otherwise had not been fit to have been done: if
" it did, it would be such a breach of trust, as [y] God
" would require an account for at their hands.

" For the militia, he had said so much of it [z] be-
" fore, and the point was so well understood by all
" men, that he would waste time no more in that
" dispute. He never had said, there was no such
" thing as an ordinance, though he knew that they
" had been long disused, but that there was never
" any ordinance, or could be any, without the king's
" consent; and that was true: and the unnecessary
" precedent, cited in that declaration, did not offer
" to prove the contrary. But enough of that; God
" and the law must determine that business.

" Neither had that declaration given his majesty
" any satisfaction concerning the votes of the fif-
" teenth and sixteenth of March last [a]; which he
" must declare, and appeal to all the world in the
" point, to be the greatest violation of his majesty's
" privilege, the law of the land, the liberty of the
" subject, and the right of parliament, that could be

[y] as] *Not in MS.* [z] of it] in it [a] last] *Not in MS.*

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"imagined. One of those votes was, and there "would need no other to destroy the king and people, that when the lords and commons (it is well "the commons are admitted to their part in judica-"ture) shall declare what the law of the land is, "the same must be assented to, and obeyed; that "is the sense in few words. Where is every man's "property; every man's liberty? If the major part "of both houses declare, that the law is, that the "younger brother shall inherit; what is become of "all the families and estates in the kingdom? If "they declare, that, by the fundamental laws[b] of "the land, such a rash action, such an unadvised "word, ought to be punished by perpetual impri-"sonment, is not the liberty of the subject, *durante* "*beneplacito*, remediless? That declaration con-"fesses, they pretend not to a power of making "new laws; that, without his majesty, they could "not do that: they needed no such power, if their "declaration could suspend this statute from being "obeyed, or[c] executed. If they had power to de-"clare the lord Digby's waiting upon[d] his majesty "at[e] Hampton-court, and thence visiting some of-"ficers at Kingston, with a coach and six horses, to "be levying of war, and high treason; and sir John "Hotham's defying his majesty to his face, keeping "his majesty's town, fort, and goods against him, "by force of arms, to be an act of affection and loy-"alty; what needed a power of making new laws? "or would there be such a thing as law left?

"He desired his good subjects to mark the rea-"son and consequence of those votes; the progress

[b] laws] law [c] or] and [d] upon] on [e] at] to

"they had already made, and how infinite the[f] "progress might be. First, they voted the king- "dom was in imminent danger (it was now above "three months since they discerned it) from ene- "mies abroad, and from[g] a popish and disaffected[h] "party at home; that is matter of fact; the law "follows: this vote had given them authority by "law, the fundamental laws of the kingdom, to "order and dispose of the militia of the kingdom; "and, with this power, and to prevent that danger, "to enter into his majesty's towns, seize upon his "magazine, and, by force, keep both from him. "Was not that his majesty's case? First, they vote "he had an intention to levy war against his parlia- "ment; that is matter of fact: then they declare "such as shall assist him, to be guilty of high trea- "son; that is the law, and proved by two statutes "themselves knew to be repealed. No matter for "that; they declare it. Upon this ground they "exercise the militia; and so actually do that upon "his majesty, which they had voted he intended to "do upon them. Who could not see the confusion "that must follow upon such power[i] of declaring? "If they should now vote that his majesty did not "write this declaration, but that such a one did it, "which was still matter of fact; and then declare, "that, for so doing, he was an enemy to the com- "monwealth; what was become of the law that "man was born to? And if all their zeal for the "defence of the law were but to defend that which "they declared to be law, their own votes; it would "not be in their power to satisfy any man of their

[f] the] that
[g] from] *Not in MS.*
[h] disaffected] discontented
[i] such power] such a power

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"good intentions to the public peace, but such who "were[k] willing to relinquish their[l] title to Magna "Charta, and hold their lives,[m] and fortunes, by a "vote of the[n] major part of both houses. In a "word, his majesty denied not, but they might "have power to declare in a particular, doubtful "case, regularly brought before them, what law is: "but to make a general declaration, whereby the "known rule of the law might be crossed, or al- "tered, they had no power; nor could exercise "any, without bringing the life and liberty of the "subject to a lawless and arbitrary subjection.

"His majesty had complained (and the world "might judge of the justice and necessity of that "complaint) of the multitude of seditious pamphlets "and sermons; and that declaration told him, they "knew he had ways enough in his ordinary courts "of justice to punish those; so, his majesty said, "he had to punish tumults and riots; and yet they "would not serve his turn to keep his towns, his "forests, and parks from violence. And it might "be, though those courts had still the power to "punish, they might have lost the skill to define, "what tumults and riots are; otherwise a jury in "Southwark, legally impanneled to examine a riot "there, would not have been superseded, and the "sheriff enjoined not to proceed, by virtue of an "order of the house of commons; which, it seemed, "at that time had the sole power of declaring. But "it was no wonder that they, who could not see "the tumults, did not consider the pamphlets and "sermons; though the author of the *Protestation*

[k] who were] as was
[l] their] his
[m] their lives,] his life,
[n] the] a

" *protested* were well known to be Burton, (that
" infamous disturber of the peace of the church and
" state,) and that he preached it at Westminster, in
" the hearing of divers members of the house of
" commons. But of such pamphlets and seditious
" preachers (divers whereof had been recommended,
" if not imposed upon several parishes, by some
" members of both houses, by what authority his
" majesty knew not) he would hereafter take a fur-
" ther account.

" His majesty said, he confessed he had little
" skill in the laws; and those that had had most,
" he found now were much to seek: yet he could
" not understand or believe, that every ordinary
" court, or any court, had power to raise what
" guard they pleased, and under what command
" they pleased. Neither could he imagine, what
" dangerous effects they found by the guard he ap-
" pointed them; or indeed any the least occasion,
" why they needed any [o] guard at all.

" But of all the imputations, so causelessly and
" unjustly laid upon his majesty by that declara-
" tion, he said, he must wonder [p] at that charge so
" apparently and evidently untrue; that such were
" continually preferred and countenanced by him,
" who were friends or favourers, or related unto the
" chief authors and actors of that arbitrary power
" heretofore practised, and complained of: and, on
" the other side, that such as did appear against it
" were daily discountenanced and disgraced. He
" said, he would know one person that contributed
" to the ills of those times, or had dependence upon

[o] any] a [p] must wonder] most wondered

BOOK V.

1642. " those that did, whom he did, or lately had coun-
" tenanced, or preferred; nay he was confident, (and
" he looked for no other at their hands,) as they had
" been always most eminent assertors of the public
" liberties; so, if they found his majesty inclined to
" any thing not agreeable to honour and justice,
" they would leave him to-morrow. Whether dif-
" ferent persons had not, and did not receive coun-
" tenance elsewhere, and upon what grounds, all
" men might judge; and whether his majesty had
" not been forward enough to honour and prefer
" those of the most contrary opinion, how little
" comfort soever he had of those preferments, in
" bestowing of which, hereafter, he would be more
" guided by men's actions than opinions. And there-
" fore he had good cause to bestow that admonition
" (for his majesty assured them, it was an admoni-
" tion of his own) upon both his houses of parlia-
" ment, to take heed of inclining, under the spe-
" cious shows of necessity and danger, to the exercise
" of such an arbitrary power, they before complain-
" ed of: the advice would do no harm, and he should
" be glad to see it followed.

" His majesty asked, if all the specious promises,
" and loud professions, of making him a great and a
" glorious king; of settling a greater revenue upon
" his majesty, than any of his ancestors had en-
" joyed; of making him to be honoured at home,
" and feared abroad; were resolved into this; that
" they would be ready to settle his revenue in an
" honourable proportion, when he should put him-
" self in such a posture of government, that his sub-
" jects might be secure to enjoy his just protection
" for their religion, laws, and liberties? What pos-

" ture of government they intended, he knew not;
" nor could he imagine what security his good sub-
" jects could desire for their religion, laws, and li-
" berties, which he had not offered, or fully given.
" And was it suitable to the duty and dignity of
" both houses of parliament to answer his particular,
" weighty expressions of the causes of his remove
" from London, so generally known to the kingdom,
" with a scoff; that they hoped he was driven from
" thence, not by his own fears, but by the fears of
" the lord Digby, and his retinue of cavaliers? Sure,
" his majesty said, the penner of that declaration
" inserted that ungrave and insolent expression, as
" he had done divers others, without the consent or
" examination of both houses; who would not so
" lightly have departed from their former profes-
" sions of duty to his majesty.

" Whether the way to a good understanding be-
" tween his majesty and his people had been as zea-
" lously pressed by them, as it had been professed
" and desired by him, would be easily discerned by
" them who observed that he had left no public act
" undone on his part, which, in the least degree,
" might be necessary to the peace, plenty, and se-
" curity of his subjects: and that they had not de-
" spatched one act, which had given the least evi-
" dence of their particular affection and kindness
" to his majesty; but, on the contrary, had discoun-
" tenanced and hindered the testimony other men
" would give to him of their affections. Witness
" the stopping, and keeping back, the bill of subsi-
" dies, granted by the clergy almost a year since;
" which, though his personal wants were so notori-
" ously known, they would not, to that time, pass;

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" so not only forbearing to supply his majesty them-
" selves, but keeping the love and bounty of other
" men from him; and affording[q] no other answers
" to all his desires, all his reasons, (indeed not to be
" answered,) than that he must not make his under-
" standing, or reason, the rule of his government;
" but suffer himself to be assisted (which his majesty
" never denied) by his great council. He said, he
" required no other liberty to his will, than the
" meanest of them did, (he wished they would al-
" ways use that liberty,) not to consent to any thing
" evidently contrary to his conscience and under-
" standing: and he had, and should always give as
" much estimation and regard to the advice and
" counsel of both houses of parliament, as ever
" prince had done: but he should never, and he
" hoped his people would never, account the con-
" trivance of a few factious, seditious persons, a
" malignant party, who would sacrifice the common-
" wealth to their own fury and ambition, the wis-
" dom of parliament; and that the justifying and
" defending of such persons (of whom, and of their
" particular, sinister ways, to compass their own bad
" ends, his majesty would shortly inform the world)
" was not the way to preserve parliaments, but was
" the opposing, and preferring a few unworthy per-
" sons, before their duty to their king, or their care
" of the kingdom. They would have his majesty
" remember, that his resolutions did concern king-
" doms, and therefore not to be moulded by his own
" understanding: he said, he did well remember it;
" but he would have them remember, that when

[q] affording] afforded

" their consultations endeavoured to lessen the of- 1642.
" fice and dignity of a king, they meddled with that
" which is not within their determination, and of
" which his majesty must give an account to God,
" and his other kingdoms, and must maintain with
" the sacrifice of his life.

" Lastly, that declaration told the people of a pre-
" sent, desperate, and malicious plot the malignant
" party was then acting, under the plausible notions
" of stirring men up to a care of preserving the
" king's prerogative; maintaining the discipline of
" the church, upholding and continuing the reve-
" rence and solemnity of God's service; and encou-
" raging learning, (indeed plausible and honourable
" notions to act any thing upon,) and that upon those
" grounds divers mutinous petitions had been framed
" in London, Kent, and other places: his majesty
" asked upon what grounds these men would have
" petitions framed? Had so many petitions, even
" against the form and constitution of the kingdom,
" and the laws established, been joyfully received
" and accepted? And should petitions framed upon
" those grounds be called mutinous? Had a multi-
" tude of mean, unknown, inconsiderable, contemp-
" tible persons, about the city and suburbs of Lon-
" don, had liberty to petition against the govern-
" ment of the church; against the Book of Com-
" mon-Prayer; against the freedom and privilege of
" parliament; and been thanked for it; and should
" it be called mutiny, in the greatest[r] and best citi-
" zens of London, and[s] the gentry and commonalty
" of Kent, to frame petitions upon those grounds;

[r] greatest] gravest [s] and] in

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" and to desire to be governed by the known laws of
" the land, not by orders and votes of either, or
" both houses? Could this be thought the wisdom
" and justice of both houses of parliament? Was it
" not evidently the work of a faction, within or
" without both houses, who deceived the trust re-
" posed in them; and had now told his majesty what
" mutiny was? To stir men up to a care of preserv-
" ing his prerogative, maintaining the discipline of
" the church, upholding and continuing the reve-
" rence and solemnity of God's service, encouraging
" of learning, was mutiny. Let heaven and earth,
" God and man, judge between his majesty and
" these men: and however such petitions were there
" called mutinous; and the petitioners threatened,
" discountenanced, censured, and imprisoned; if they
" brought such petitions to his majesty, he would
" graciously receive them; and defend them, and
" their rights, against what power soever, with the
" uttermost hazard of his being.

" His majesty said, he had been the longer, to his
" very great pain, in this answer, that he might give
" the world satisfaction, even in the most trivial par-
" ticulars, which had been objected against him; and
" that he might not be again reproached, with any
" more prudent omissions. If he had been com-
" pelled to sharper language than his majesty af-
" fected, it might be considered, how vile, how in-
" sufferable his provocations had been: and, except
" to repel force were to assault, and to give punctual
" and necessary answers to rough and insolent de-
" mands, were to make invectives, he was confident
" the world would accuse his majesty of too much
" mildness; and all his good subjects would think,

" he was not well dealt with; and would judge of
" his majesty, and of their own happiness, and secu-
" rity in him, by his actions; which he desired might
" no longer prosper, or have a blessing from God
" upon them, and his majesty, than they should be
" directed to the glory of God, in the maintenance
" of the true protestant profession, to the preserva-
" tion of the property and liberty of the subject, in
" the observation of the laws; and to the mainte-
" nance of the rights and freedom of parliament, in
" the allowance and protection of all their just pri-
" vileges."

APPENDIX.

APPENDIX, A.

REFERRED TO IN PAGE 6.

So when they assumed the power to control and reverse the licence and power granted by the king to the Spanish ambassador, for transporting four thousand Irish soldiers upon the disbanding that army into Flanders, (as was before touched,) and to the French ambassador, for three thousand of the army disbanded here, for the service of that king; in debate whereof they used all licence to look into the mysteries of state, and to weigh the interest of kingdoms, of which very few of them could be competent considerers, though they had been qualified by authority. In these irregular and undutiful contests, the French ambassador, whose business was to foment the jealousies between the king and people, had insinuated himself into that liberty of transporting men for his master's service, with no other design, than to be thereby enabled to contribute towards the affronting the king, by departing from it, to ingratiate the houses; and, therefore, having very particular intercourse and correspondence with the prime managers, as soon as upon their first addresses his majesty had signified his engagement to the two kings, and that he could not in honour recede from what he had promised, he voluntarily offered to acquit the king of that supply which concerned his master, if his majesty would likewise retract what was expected by the Spaniard; which gave them opportunity so importunately to press his majesty, who had no other counsel to consult with upon any despatches, but such as durst not contradict their overtures, (secretary Vane then waiting on him,) that he departed from his former re-

solutions and concessions; and so to common understanding disobliged both crowns, with that disadvantage to himself, that both thereby found his want of power; and the Spaniard from thence (besides the inflammation of the correspondence with Portugal) took occasion to comply with those, who they found could do them hurt; whilst the French delighted themselves both with disappointing their enemy, and cozening their friends; to whom, in truth, they were more irreconciled than to the other. Whether in that conjuncture of the affairs of Christendom, the resolution was well taken of supplying those two kings, or either of them, with soldiers at that time, or whether either kingdom could then well spare auxiliaries to another, I will not now consider; but the counsel being once taken, it was in view that the retracting of it by their advice, who naturally were not counsellors in those mysteries, and yet were very apt to extend and usurp the jurisdiction and right of advising, upon the least precedent of admission, would open a door to let in many bold desires, to the king's disadvantage.

APPENDIX, B.

REFERRED TO IN PAGE 13.

UPON the king's first coming into Scotland, there having been some jealousies and discontents in that army, the earl of Montrose declaring himself an enemy to their proceedings, and being not only in disgrace, but under restraint, as a person suspected too much to incline to the king, himself professing that he had been seduced by the specious pretences and false informations of the other party, the error whereof he had now discovered; others reproaching his levity and ambition, with being discontented at the greatness and reputation of the earl of Argyle, who appeared not so early in the first commotions as himself; the king was informed and advised, by some of near trust about him, who had great correspondence with Montrose, that the marquis of Hamilton had betrayed him throughout that whole great business, and that he and Argyle combined together to destroy him; and that if his majesty would give his consent, they should be both accused of high treason. The king hath told me, that (though he had reason enough to believe the worst that could be said of those two) he was positively against meddling with them at that time, both in respect of their very great interest in that kingdom, and the failing he conceived would be in the proofs against them; and especially, that he had no reason to believe any attempt against him; and the law could at that time be adjudged a crime by those, who had the only liberty of judging. But being with great confidence assured, by Will. Murray, of his bedchamber, whom he singularly trusted, that the proofs would not be only full and sufficient, but that the major part of the nobility had so great indignation against those two lords,

(for their disserving his majesty, and for making them instruments of bringing so great mischief upon so good a king,) that they would join together, and that they should be no sooner accused of high treason, but they should be immediately carried to prison; and then, that it would be no hard matter to break their factions, and master their dependants; the king was persuaded to refer it to themselves, every one well knowing, that by the law of that kingdom, the delator (if he failed in his proof) was to suffer the same punishment, his accusation could bring (being proved) upon the other. About the same time, the lord Carr, eldest son to the earl of Roxburgh, upon some private difference, but upon the public cause, had sent a challenge to the marquis of Hamilton, by the earl of Crawford, who indeed was of an inveterate hatred to the marquis; the which being taken notice of, care was taken to prevent that mischief. Upon a sudden, two or three days before the session was thought to end, the two great lords, Hamilton and Argyle, at midnight, with such followers as were at hand, fled out of the town to a house of the marquis Hamilton's, some miles distant from Edinburgh, where they stood upon their guard, their dependants giving it out that there was a plot to have murdered them. The town was presently in an uproar, the gates shut, and guards set, and the parliament there in great disorder and apprehension; whilst the two lords writ letters both to the king and to the parliament, of great conspiracies and combinations entered into against them, not without some reflection upon his majesty. The king desired the parliament to be careful in the examination of all particulars, who thereupon made committees: and after some days spent in taking the depositions of such witnesses as offered themselves, and of such other persons whom they thought fit to produce, the lords return to Edinburgh, not without some acknowledgment to the king of an over-apprehension; though otherwise they carried themselves like men that thought they were in danger. That which gave most occasion of discourse was, that from that time Will. Murray (who was the only, or the most

notable prosecutor and contriver of whatsoever was to have been done in that business, and was before understood to be a most avowed enemy to marquis Hamilton) grew to be of a most entire friendship with him, and at defiance with the earl of Montrose, with whom, till then, he had so absolute a power, that by his skill and interest that earl was reduced to the king's service: and I have heard the earl of Montrose say, that he was the only man who discovered that whole counsel to the marquis, after he had been a principal encourager of what had been proposed to the king; and an undertaker to prove many notable things himself.

Whatever was in this business, and I could never discover more than I have here set down, though the king himself told me all that he knew of it, as I verily believe, it had a strange influence at Westminster, and served to contribute to all the senseless fears they thought fit to put on. The committee in Scotland (Mr. Hambden, Mr. Fynes, and the rest) writ, that the parliament there was, with great harmony of affections, even concluding all the great affairs of that kingdom, and the king thinking upon his speedy return into England; but that there was unexpectedly fallen out an accident, by the sudden departure of the two great lords of Hamilton and Argyle (whom they loaded with the large attributes of piety and affection to the peace of the two kingdoms) from the parliament, and standing upon their guards, which, they said, had begot so general an amazement, that they knew not what to apprehend; but for the better prevention of mischief, that strong guards were set in Edinburgh, and all strangers required to avoid the town; the copy of which order was sent. This letter (whether it arrived then, or was reserved for that seasonable season) was produced to the committee on Tuesday the 19th of October, which was the day before the remeeting of the two houses; and immediately, as if Edinburgh had been London, and the two lords the king's children, it was concluded, there was some desperate design on foot, and some other practices of the same nature to be executed upon the good patriots of this kingdom; and therefore, without any

pause, till another despatch might come from Scotland, whereby all mysteries might be revealed, the committee issued their warrants to the sheriffs of London and Middlesex, and to the justices of peace, to appoint strong guards in arms, to watch about London and Westminster; and besides their public warrants, by private intimations directed what was necessary to be done, to improve the useful fears of the people: and so that very day, as if all things had been ready for the occasion, a very formal guard of armed men attended at the palace at Westminster, where the committee of both houses sat.

On Wednesday the 20th of October, after a recess of about six weeks, (in which time the foundation was laid for all the mischief of the next year,) the two houses met again, and found themselves guarded by a great body of soldiers in arms, (the whole train-band of Westminster officiously giving their attendance that day,) whilst Mr. Pym reported to them the dangers they were in; and, though upon reading the letters no great matter appeared, gave them cause to believe they should know more shortly than they expected: and thereupon the earl of Essex (who, as was said before, was general of that side Trent) was solemnly desired to appoint a guard to attend every day the two houses; who graciously dispensed so great number as then attended, and directed only one hundred a day to wait, and to be relieved at night by another hundred: and being thus secured, they proceeded in the ordinary vexations of the committee; enjoining all such persons to attend, who had refused obedience to their orders of reformation in the church, or of recommendation of lecturers; but not yet trusting the house enough to bring any one person to judgment before them, for his contumacy to those injunctions. Though the kindness and protection of both houses towards marquis Hamilton had been very visible from the beginning of the parliament, that in all their inquisition for reformation, they had never suffered him to be so much as named, who was before the most odious to court and country, yet their acknowledging him for a pa-

triot, and so vital a part of the kingdom, that a combination against him was no less than treason, was not discovered till this husbanding of the Scotch fears, to the terror of the two houses: and it is not to be believed, how those men, who in their hearts were as great enemies to his person, and as well acquainted with his nature, seemed concerned in the danger that was threatened to his greatness; insomuch as the next day after the receipt of the letters, the earls of Essex and Holland sadly told me, that I might clearly discern the indirect way of the court, and how odious all honest men grew to them.

APPENDIX, C.

REFERRED TO IN PAGE 19.

THERE was another accident happened a little before, of which the indisposition in Scotland was the effect, the death of the earl of Rothes, a man mentioned before, of the highest authority in the contriving and carrying on the rebellion in Scotland, and now the principal commissioner in England, and exceedingly courted by all the party which governed. Whether he found that he had raised a spirit that would not be so easily conjured down again, and yet would not be as entirely governed by him as it had been; or whether he desired from the beginning only to mend his own fortune, or was converted in his judgment that the action he was engaged in was not warrantable, certain it is, that he had not been long in England, before he liked both the kingdom and the court so well, that he was not willing to part with either. He was of a pleasant and jovial humour, without any of those constraints which the formality of that time made that party subject themselves to; and he played his game so dexterously, that he was well assured upon a fair composition that the Scots' army should return home well paid, and that they should be contented with the mischief they had already done, without fomenting the distempers in England. He was to marry a noble lady of a great and ample fortune and wealth, and should likewise be made a gentleman of the king's bed-chamber, and a privy-counsellor; and upon these advantages made his condition in this kingdom as pleasant as he could; and in order thereunto, he resolved to preserve the king's power as high as he could in all his dominions. When any extraordinary accidents attend those

private contracts, men naturally are very free in their censures, and so his sudden falling into a sickness, and from a great vigour of body, in the flower of his age, (for he was little more than thirty,) into a weakness, which was not usual, nor could the physicians discover the ground of it, administered much occasion of discourse; and that his countrymen too soon discovered his conversion. He was not able to attend upon his majesty to Scotland; where he was to have acted a great part; but he hoped to have been able to have followed him thither. His weakness increased so fast, that by the time the king was entered that kingdom, the earl died at Richmond, whither he retired for the benefit of the air; and his death put an end to all hopes of good quarter with that nation; and made him submit to all the uneasy and intolerable conditions there, they could impose upon him. Yet he returned from thence with some confidence that he should receive no more trouble from thence, the principal persons there having made him great acknowledgment, and greater professions; (for which he had given them all they could desire, and indeed all and more than he had to give:) and Lesley the general, whom he made earl of Leven, with precedence of all earls for his life, had told him voluntarily, and with an oath, that he would not only never serve against him, but would do him any service he should command, right or wrong.

APPENDIX, D.

REFERRED TO IN PAGE 35.

ON Monday, the first day of November, (the king being still in Scotland,) the house of commons was informed, that the body of the lords of the council desired to impart somewhat to them of great consequence and concernment to the kingdom; whereupon (after a short debate for the manner of their reception, there having never been the like occasion) chairs were placed in the middle of the house, and they sent for in. The lord keeper informed the house, that the lord lieutenant of Ireland (who was present) had acquainted their lordships of the council with some letters he had received from the lords justices and council of Ireland, of a dangerous commotion and rebellion in that kingdom; and that the house of peers being adjourned till the next day, (for it was All Saints' day, which the lords yet kept holy, though the commons had reformed it,) they knew no other way to communicate it but this: and thereupon the earl of Leicester, lord lieutenant of Ireland, read the letters he had that morning received; by which it appeared, that on the day of October, there had been a great design and conspiracy by some catholics to seize upon the castle of Dublin, where the arms and magazine for that kingdom were principally kept; and that the discovery was fortunately made by one Owen O'Conelly, (who was sent over with the letters,) not many hours before it should have been put in execution: and so the principal conspirators, the lord Macguyre, one Mark Mahon, and some others, were apprehended, who, upon their examinations, had confessed their intentions of seizing the

castle, and imprisoning at least the justices and council; for their doing whereof, many hundreds of Irish were by appointment at that time in the town and suburbs: that though by this happy discovery the mischief was for the present prevented in that city, yet that the rebellion was broken out in many places of the kingdom, especially in Ulster, where sir Phelim O'Neile had gathered together a great body, and had seized upon many houses and places of strength, his men exercising great barbarities and inhuman cruelties upon the English protestants; and that the whole kingdom was in that terror and apprehension, that they knew not whom to trust, every hour discovering the defection of some person or place which they before suspected not; and therefore they desired, with all possible expedition, a supply of men and money, and some materials for war. Within two or three days at most, arrived letters from his majesty in Scotland, containing the same intelligence, and an information of some levies of men, prepared by the advice of the parliament of that kingdom, for their speedy relief; and a recommendation, and in truth a full submission of the whole business, and carrying on that war, to the wisdom and conduct of his parliament here; his majesty too soon considering it only as matter of trouble and charge; and not that the devotion of that people, and all that were to be engaged for them, would naturally incline to those from whom they were to expect support, which could not (as it hath since done) but beget him some trouble. The opinions and minds of men upon this great accident were very different and various. Some, who remembered well enough the blood and treasure less commotions in Ireland than this seemed to be had cost this kingdom, and in a time that was better prepared to spare both, were yet less affected with the mischief and danger; because they thought (too reasonably) that the storm in that kingdom would make fair weather in this, and that all ill humours and indispositions would be allayed, and united towards the suppression of that rebellion, there being like

to be business enough for the most active, and reward enough for the most covetous, and honour for the ambitious. Others, who observed with what smooth brows the great champions for reformations received this alarum, otherwise than was natural to their courage, and that by the advice of the parliament of Scotland the king had on a sudden committed the ordering as well as the maintaining the war to them, believed they had fomented and contrived this rebellion to keep themselves in action, reputation, and dominion; for here was now a new argument for the continuance of the parliament, superior to the first ground of the act: and this opinion was seriously improved, when it was observed how warily they entered upon the war, and moved as though they feared it would be too soon ended; some of them not sticking to say, that nothing was so necessary to the well settling and advancing that kingdom, as the present rebellion, of which we shall have occasion to say more hereafter. Those men again whispered, and by degrees shortly after spake aloud, that that commotion was licensed by the king, with a purpose to perplex this kingdom, and to form an army of papists that should be at his devotion, to invade this kingdom, and oppress the parliament; which most odious and scandalous imputation, how senseless and groundless soever, found by the wicked arts of these men so much credit with the people, that we shall often have occasion hereafter to mention sundry inconveniences and mischiefs the king sustained thereby. But as I very well know that barbarous rebellion to have been ever most perfectly odious to the king, so I am confident the parliament (nor any of those that then swayed there) never originally and intentionally contributed thereunto; though it is as true, that by their rage and fury they fomented and inflamed it, after it was begun; being willing to increase the number of the guilty; and truly I am persuaded, collaterally advanced the first inclination to rebel: for it is very probable, that the seeds were sown, and the design framed, at least polished, during

the time that the committee stayed here, which came hither from the parliament of Ireland the spring before; of which, upon this occasion, I shall speak a word.

The committee (consisting most of papists, and who have been since the most active in the rebellion) being sent from the parliament of that kingdom, amongst other things, to assist any complaint that should be preferred against the earl of Strafford, who, well knowing the nature of that nation, had been very watchful over them, were, as soon as they came to London, affectionately treated by those who were engaged to ruin that great man; admitted to their counsels, and, for the assistance they gave to that important work, were hearkened to in whatsoever they informed or proposed for that kingdom. Thus, upon the death of sir Rowland Wansford, (their deputy,) they procured the king to be moved by some powerful persons, that he would take their advice in the placing a new governor, as best knowing the state and affection of that kingdom; at least, that he would [take] exceptions from them against some persons, whom they knew to be very unfit for that charge; and this was, with great respect and subtlety, advised his majesty, to prevent the intermeddling of the house of commons, who might be too apt to offer their advice and opinion in that matter. Having gotten thus much ground, towards which they used the puritans about the king, and the priests about the queen, (which were like to engender an excellent resolution,) they excepted against three persons, who, they said, in that conjuncture of time, could not be useful to his majesty in the government of that kingdom; which were, the lord of Ormond, the lord of Roscommon, and sir Wm. St. Leger, lord president of Munster; which three had been recommended by the earl of Strafford to the king, to make choice of: and, without question, if either the first or the last, and, it may be, the other, had been then made choice of, the peace and quiet of that kingdom had been preserved. By this means sir Will. Parsons and sir Jo. Borlase were made lords justices; one of which had never been a man, and was now a child again; and the other, though a person

of great experience and subtlety, so obnoxious, that, in so inquisitive a time, he durst not exercise the necessary acts of sovereignty; but, from his first entrance upon the command, suffered any invasion to be made on the rights of the crown and the dignity of his office.

In this time they observed the proceedings of the parliament here, and the grounds upon which they built their greatness, and transmitted the precedent to the two houses there, where were as many papists, as puritans here, who, according to the pattern, built upon the sure foundations. Then they discovered, by sundry acts they did themselves, and countenanced in others, that they had an implacable rancour to the catholics of this kingdom; and when they heard it declared at the trial of the earl of Strafford, that the kingdom of Ireland, and the parliament thereof, was subject to this parliament, and that an act made here would bind that kingdom, if it were named in the act, they apprehended themselves and their religion to be in much danger; and so considered, amongst themselves, how to make use of the troubles they saw like to befall this kingdom, to their own advantage.

Upon the death of the earl of Strafford, the king constituted the earl of Leicester lieutenant of Ireland, who being then extraordinary ambassador in France, was necessarily to return into that kingdom, (from which he was come hither, by leave from the king, for few days,) to finish that negociation, before he could go to receive the sword in Ireland, which, in that article, wanted a vigilant and active commander.

It is true, that the parliament was nothing satisfied with the king's election, the earl of Leicester being known to few of them, and without cause suspected, for some correspondence he was thought to have with the earl of Strafford: besides, that they had a mind to have that kingdom in the custody of a confident of their own; and either marquis Hamilton himself, or some friend for him, had a thought of it. On the other hand, the committee was more displeased, for they hoped so wisely to have managed their negative

voice of excepting to persons, that at last it should be committed to some person at least well inclined to them; and the earl of Leicester, however his late grace at court had sullied him at home, was generally understood to be a puritan abroad; at least they knew him more than ordinarily averse to their religion: so that they had little hope of more, than the advantages they could make in the time he was necessarily to be absent from them. Therefore, having done all for which they came, (except in this point of the chief governor,) and having by their interest with the enemies of the earl of Strafford here prevailed against their sending away and transporting the soldiers of the new army in Ireland, and in the parliament in Ireland against their disbanding, for a good time after the king's command to that purpose, they departed to their own country; where they found great licences used in resisting the government, taking possessions by force, and other acts of disorder, which were every day exercised, by the remissness of the lords justices; together with the discountenance which had been here put upon the extraordinary, but necessary proceedings, which, upon reason of state, had been always used by the supreme governors there: and, without doubt, the scheme was then laid for the general insurrection over the kingdom, which brake out in October following, though, I believe, it was prosecuted with more barbarous and inhuman circumstances by the base people than was intended, and though many more of quality joined afterwards with the rebels, by the indirect carrying of the lords justices, and by the violence of the parliament of England, than in the beginning were privy, or consenting in their hearts to it: of which more hereafter.

The earl of Strafford, by his experience of the temper of that people, foresaw a storm would arise thence to the king, as had done to himself, and gave his majesty warning of it, and afterwards advised him to send the lord Cottington thither his lieutenant; but the winds here were too high, and too much against him then, to venture thither, which was like to be no easy or pleasant station, though no rebellion had happened. It was strange, that upon the first opening

of this, the king was not persuaded (which I have not heard he was) to dissolve that parliament, which, in probability, could be no further applied to his service, and visibly might do him great hurt, as it after did; but the court believed, that the only danger being from the puritans of this kingdom, it could not be improved by the papists of that, whose ambition and interest found a line of communication in spite of their religion. If that parliament had been dissolved when this was summoned, (after, it could not reasonably be,) it being discernible of what spirit it would be; or if the earl of Ormond or the president of Munster had been made deputy upon the death of Wansford, and the lieutenant absolutely laid down his interest, which he did not till his death, so that the nation was without a subordinate dependance upon any man, who might lessen their fears, and improve their hopes; or if the soldiers of that army had been suffered to be transported, when the king gave his licence and warrant to that purpose, I am verily persuaded that fire would never have been kindled, or as soon extinguished. And it is as probable, that if that kingdom had contained itself within their old limits of obedience and loyalty, I should neither have had the leisure or occasion to have complained of the breaches or violation of this. How one, which should have prevented, did contribute to the other, must be too often remembered and mentioned in this ensuing discourse.

As soon as the condition of Ireland was understood, order was given for the speedy raising of five thousand foot and one thousand horse, under such officers as the house should approve of; a list of which was to be preferred to them by the lord lieutenant, his lordship having, with their approbation, sent a commission of lieutenant-general to the earl of Ormond, by the desire and recommendation of the lords justices and council there. A committee of both houses was appointed to intend the business and affairs of that kingdom, and special directions given, that no officer of the late northern army, who was suspected to have any hand in their plot against the parliament, should be entertained in

that service. New jealousy and sharpness was expressed against the papists, as if they were privy to the insurrection in Ireland, and to perform the same exploits in this kingdom. Hereupon the guards were doubled, and several houses searched for arms and ammunition; letters were framed, and directed to some obscure papists, and then found in the street, and brought to the house, and there opened and read, in which there are dark discourses of plots and disappointments; but that all will be speedily repaired by the diligence and power of their friends: and such absurd, gross follies, as even the discoverers blushed at. Yet this is made matter of serious concernment, and thereupon lists of all papists of quality, in the several counties of England, was presented, and the house of peers moved, that their persons may be secured. The houses of ambassadors were searched for priests; and such insolencies offered to their persons, as exposed the honour of the king and kingdom to the wonder and censure of Christendom. The barbarous curiosity was revived of opening letters, (which they had practised upon discovery of their first plot, and upon the flight of Mr. Percy and Mr. Jermyn,) especially to one from France, in which they often met with expressions of censure, scorn, and reproach, upon their own proceedings, which were straight interpreted as so many conspiracies against the parliament. Once they found a letter of intelligence to Mr. Mountague, in France, which they discovered by some that knew the hand to be written by Phillips, the queen's confessor. Though there was nothing in it of public relation, they would needs have him examined upon some expressions in it, and so he was sent for to the lords' house. When the oath was administering to him, he absurdly pulled away his hand from the book, and said, it was no true Bible; for which he was deservedly committed. As soon as it was known to the house of commons, (and it was immediately communicated at a conference by the lords as a notable testimony of their zeal,) it was looked upon as a reproach to our religion upon design; and of that nature, that no priest would presume, in the face of a parliament, but by extraordinary countenance

and instigation: and from thence great liberty was taken to inveigh against the religion of the court, with bold and apparent glances at the person of the queen. By these high and fierce proceedings the catholic lords were so appalled, that they not only withdrew themselves from the house of peers, (which was the drift of the powerful party,) but, out of tameness of spirit and dejection of mind, deposited their proxies with those lords, who were the principal contrivers and cherishers of the violence that was against them: and yet it is true, that the earl of Essex, who was trusted with the earl of St. Alban's proxy, would very frequently, in the agitation of business, give his own vote one way, and his proxy the other way; saying, he knew it was the mind of him who trusted him; which was no doubt the rule he was to govern himself by: but there was no other example of that justice.

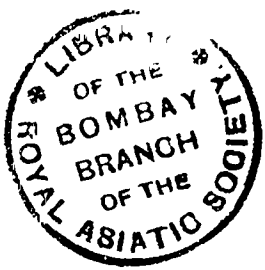
APPENDIX, E.

REFERRED TO IN PAGE 39.

AT the beginning of the parliament, or shortly after, when all men were inflamed with the pressures and illegalities which had been exercised upon them, a committee was appointed to prepare a remonstrance of the state of the kingdom, to be presented to his majesty, in which the several grievances might be recited; which committee had never brought any report to the house, most men conceiving, (and very reasonably,) that the quick and effectual progress his majesty made for the reparation of those grievances, and prevention of the like for the future, had rendered that work needless. But as soon as the intelligence came of his majesty being on his way from Scotland towards London, that committee was, with great earnestness and importunity, called upon to bring in the draft of such remonstrance, upon pretence, that great endeavour had been used (and then the examinations procured by the earl of Holland's information, upon the old business of the army, were produced, or rather reported) to pervert the affections of the people from the parliament, by magnifying the great grace and bounty of the king, in the many acts passed by him from the beginning of the parliament; and by undervaluing whatsoever had been done in retribution by them to the king, which was said to be nothing: and therefore, that it was necessary, for their acquittal, that they should let the kingdom know, in what state and condition they found it at their first convention, and the fruit and benefit they had received by their counsels, wherein their securities were not yet sufficiently provided for; and what they intended to do further for them, both in church and state: and they said,

though the prime evil counsellors were removed, there were others growing up in their places, like to do as much mischief. And so the committee was directed to prepare and bring in the remonstrance.

On Monday, the 22d of November, (the king being within two miles of London,) Mr. Pym brought in the remonstrance, which was read, having no direction to the king, or mention of the house of peers, but being a plain declaration from the house of commons to the people; and entitled, A Remonstrance of the State of the Kingdom; in which they set forth, "that there had been from the begin-" ning of his majesty's reign," &c. *as in page* 49, *line* 14.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APPENDIX, F.

REFERRED TO IN PAGE 58.

THIS remonstrance being read about ten of the clock in the morning, it was demanded, whether it should be sent to the lords, and passed that house; for that though it seemed to be intended only for an act for the commons, yet it comprehended some particulars which concerned the peers in matter of privilege, and might be occasion of difference, if their concurrence should not be desired. Though no positive declaration of the sense of the house was made in this point, it being said, it might be considered after it passed the vote, it was apparent they meant not to carry [it] to the lords, and desire their approbation. It was thereupon objected, "That such a remonstrance was unprecedented, "and never before heard of in parliament; all remon- "strances having been heretofore directed to the king, by "way of petition, or else to the house of peers, when it "concerned matter in difference between them: whereas "this seemed to be an instrument to the people, in the na- "ture of an appeal to them; which had never been prac- "tised, and might prove of very dangerous consequence. "That his majesty had reason to expect, upon his return "from Scotland, some demonstration of their affection, in "bills and other acts prepared for the settlement of his re- "venue, in acknowledgment of the many acts of grace and "favour passed by him to his people since the beginning of "this parliament, surpassing all that had been ever granted "by his progenitors; and that his expectation would be "strangely disappointed, to find, after he had passed an "oblivion himself of all matters which had relation to the "differences between the two kingdoms, by which, no doubt,

" many men found themselves much at ease, all his own " mistakes and oversights, in those particulars he had abun- " dantly repaired, exposed to the public view, not only to " sharpen the memory of his subjects to a sense of their " former sufferings, but to publish to all Christian princes " a view of a disjointed and unsatisfied people, and how far " his majesty was from being possessed of their hearts; " which might be a means to invite a foreign enemy to in- " vade this kingdom, and to bring all those mischiefs upon " it they seemed to apprehend. That it would probably " infuse into the people a dislike of the settled form of go- " vernment, when they should find many things, which were " established by law, inveighed against, as pernicious to the " peace of the kingdom: and that it must give the house of " peers a just offence, and consequently beget a misunder- " standing between them, when they should see themselves " so irregularly presented to the people, as the obstructors of " the public justice, and enemies to a reformation; whereas " their concurrence had been more eminent than had been " known in any age. That, beside the matter, the dialect " and expressions were so unusual, and might be thought " to lessen, in many particulars, the reverence due to his " majesty; that it might be a means to alienate his ma- " jesty's heart from them, by lessening his confidence in " their affection and duty. Lastly, that the publishing " thereof was simply unnecessary, and could produce no " good effect, the grievances complained of being already " redressed, and probably might occasion great inconve- " niences and distempers; and therefore, that in prudence " it ought to be laid aside."

The debate held many hours, in which the framers and contrivers of the declaration said very little, or answered any reasons that were alleged to the contrary; the only end of passing it, which was to incline the people to sedition, being a reason not to be given; but called still for the question, presuming their number, if not their reason, would serve to carry it: and after two of the clock in the morning, (for so long the debate continued, if that can be called a debate,

when those only of one opinion argued,) when many were gone home to their lodgings, out of pure indisposition of health, having neither eat or drank all the day; and others had withdrawn themselves, that they might neither consent to it, as being against their reason and conscience, nor disoblige the other party by refusing; it was put to the question, and the house divided, and upon the computation, the dissenters found to be the smaller number by eleven voices: and so that absurd, fatal remonstrance, the first visible ground and foundation of that rage and madness in the people, of which they could never since be cured. Yet when this passed, the number in the house exceeded not three hundred, which was not much more than half, the house consisting of above five hundred; and there being not one man absent, of known inclinations to the violence which then carried all before it, those of that constitution being never absent in any article of time in which any thing that concerned their aims was handled; when men of moderate and sober purposes contented themselves with wishing well, and disliking what was amiss, presuming that truth would in the end prevail, without their troubling themselves: and therefore they either quite left the house, and went into the country, to attend their own business, or were content only to sit two or three hours in a day, in those hours which former times had made most parliamentary, and then withdrew; the which the active party discerning, usually reserved their greatest designs to be proposed and debated in those seasons, either of dinner or the evening, when most of different opinions were absent: so that my lord of Falkland was wont to say, that they who hated bishops, hated them worse than the Devil; and they who loved them, loved them not so well as they did their dinners.

APPENDIX, G.

REFERRED TO IN PAGE 62.

AND it was at that time lamented that the king chose rather to pass through the town to Hampton-court, without staying at Whitehall, which every wise man[a] wished he had done, and which would have kept up the spirits of his friends; and it was visible enough, the governing people feared it much, and were dejected with the apprehension; but in a few days recovered their courage, and sent their remonstrance to the king by a committee of their members to Hampton-court; and at the same time sent it carefully over the kingdom in print. And the diligence and dexterity of the lord mayor causing an address to be made to his majesty from the court of aldermen, by the two sheriffs, and others of that body, with an humble desire that his majesty would reside at Whitehall, (which angered the house of commons as much as their ceremonious reception had done,) the petition was very graciously received, all the aldermen knighted, and the court within a day or two removed to Whitehall.

The king, at his return, found a greater alteration in his family to the worse, than he did in the parliament to the better. Before the disbanding of the armies, when the earl of Northumberland delivered up his commission, it was thought necessary, for the prevention of all disorders, that another general should be constituted, though he was like to have little else to do, than to take care for the orderly disbanding; and most men believed that the earl of Essex, who the king had made chamberlain of his household and of his council, should have been designed to that

[a] every wise man] *Altered afterwards to* most men.

office; which had been very happy. But howsoever it came about, the unlucky genius of the court prevailed, that the earl of Holland, who wiped out the memory of many great faults with new professions of duty, had that commission; which the other earl looked upon as an injury and indignity to him; and conferring with Mr. Hyde upon that occasion, he protested that, if the king had made him general, he would have exacted very punctual proceedings from the Scots; and if it had been necessary, he would [have] executed martial law in the army, let the parliament have been as angry as they would, and they had declared as much against marshall, and made as penal, as any other excess of which they had accused the earl of Strafford. And it was believed, by those who knew him very well, that it had been at that time very easy to have fixed him to the king's service; whereas, from this disobligation, he grew much soured to the court. The earl of Holland, whose nature and fortune disposed him to acquire all he could for the support of his vanity and necessary; and he promised himself more profit than honour from his new office of general: and so when the king visited the army in his journey to Scotland, when they were upon disbanding, the earl of Holland pressed his majesty, with great importunity, to bestow upon him the making a baron, which at that time might possibly have yielded him ten thousand pounds; which the king as positively refused to grant; being not only in his judgment very averse from making merchandise of those honours, but having no mind to increase at that time the number of the peers: which was prudently resolved. The earl, resenting this refusal, withdrew his zeal for the king's service, and writ a letter to the parliament, of his majesty's passing that way; and used such mysterious expressions of some endeavours used to corrupt and pervert the army, that, as it might relate to the former practices in the beginning of the year, upon discovery whereof so many had been committed, and others fled the kingdom, so it did as naturally imply some new design of his majesty himself, to hinder the disbanding the army, at

least till the Scots should be withdrawn, and the king in Scotland: notwithstanding all which, the earl said, he had begun the disbanding that day, (the day on which he writ,) and would continue it, till all should be done: which letter made impression on many, to keep up those jealousies, which all good men ought to allay. The earl seemed to many of his friends, whose affections he knew, to be much troubled that his letter was so interpreted, protesting, that as there was no reason to make any such reflection upon any thing the king had said or done, so he intended it only upon a retrospect of the former attempt. However, after that, he wholly estranged himself from the king's service; and after his return out of the north, the king being still in Scotland, it was long before he so much as waited upon the queen, who resided at Oatlands, and saw her but once; and wholly betook himself to the conversation and friendship of those who directed all their counsels and endeavours to lessen the king's authority, and discredit his reputation, and was constantly with them in their private meetings; and whether he seduced or was seduced, the lady Carlisle, with whom he always held a strict friendship, at the same time withdrew herself from her attendance upon the queen, communicated all she knew, and more, of the natures and dispositions of the king and queen; and after she had for a short [time] murmured for the death of the earl of Strafford, she renounced all future devotion for those who would, but could not, protect him, and applied herself to, and courted all those who murdered him, with all possible condescensions; so that his majesty found, at his return from Scotland, these two very considerable persons retired from his service into the closest counsels of his enemies, to which they contributed their information.

There was another defection at the same time, that gave the king more disturbance than the other. The last obligation he had conferred, and the best he could confer, brought him not that harvest which he expected. The earl of Leicester, after his being declared lieutenant of Ireland, made a journey into France, to take his leave of that

court, upon the expiration of his embassy, and returned from thence whilst his majesty was in Scotland, to prepare for his transportation into Ireland. He was a man of a reserved nature, and communicated with very few; so that he gave his enemies no advantage against him: but his wife was my lady Carlisle's own sister, equally active and tempestuous, and drew the principal persons, who were most obnoxious to the court, and to whom the court was most obnoxious, to a constant conversation at Leicester house, where all freedom of discourse was used of all things and all persons; which was not agreeable to the earl's nature or his prudence. But the rebellion no sooner fell out in Ireland, and the king had committed the managing of that war to the two houses of parliament, but the earl likewise disposed himself to more address towards that governing party, which he saw was able much to advance or obstruct all his pretences; and as he took care to do nothing which might anger or provoke them, (who were not without some prejudice towards him,) so by degrees he became involved in actions, and in concurrence in vote with them, much to the displeasure of the king: so that his majesty found likewise upon his return, that, very contrary to his expectation, he was disappointed at least of the confidence he promised himself in his service; though some, who knew the earl very well, did believe that he erred through too much wariness, and too nice a consideration of offending them; and in truth never failed in his fidelity to the king. And in this melancholic state his majesty found his domestic and his public affairs, when he returned from Scotland to Hampton-court.

APPENDIX, H.

REFERRED TO IN PAGE 80.

THE king resolved to make the right use of this temper in the two houses, and to expect what benefit it would produce to his service, and to give all the countenance he could to those who behaved themselves well, and to give over all private treaties with those who had disserved him, and still pursued those ways which sufficiently informed him, that they did not intend to depend upon him, but that he should depend upon them: which resolution was well taken, if it had been as punctually pursued. As soon as he returned from Scotland, he made Mr. Nicholas, one of the clerks of the council, who had been secretary to the duke of Buckingham for the maritime affairs, a man of good experience, and of a very good reputation, secretary of state, in the place of Windebank; and shortly after, as is said, he removed sir H. Vane, who had attended him in Scotland, and whom he had found mischievously false to his service, out of the other secretary's place, reserving that vacant, till he should find somebody who would deserve it; having taken his staff of treasurer of the household from him before, and given it to as ill a man, the lord Saville; who had no other merit, than, having been one of the first conspirators against him, in the bringing in the Scots to invade England, and in the conspiracy against the earl of Strafford, out of a personal malice from the animosities between their families, and all the mischief was brought to pass that he desired, he very frankly discovered the whole to the king, and who were guilty of the same treason, when there was no way to call them in question for it; and made all the vows and protestations of future fidelity;

and was a bold talker, and applicable to any undertaking, good, bad, or indifferent, but without any reputation of ingenuity or integrity. And for this conversion and discovery, he had, presently after the death of the earl of Strafford, that office of the household conferred upon him, and had been amongst those of that gang likewise made a privy-counsellor.

APPENDIX, I.

REFERRED TO IN PAGE 124.

MATTERS being thus carried [a] in both houses, and in the soul of both houses, the city and suburbs, the king found himself in a very sad condition; and discerned plainly how the affections of the country would be governed. In the house of commons, the ministers of confusion carried all before them, there being very few, who either considered his rights with justice, or his person with reverence, whose faces were known to him, or who had any other obligation but of allegiance. In the house of peers he saw twelve swept away in an instant, upon whose duty and loyalty he might have relied, and by a rule that might quickly dispose of the rest: for if the house of peers would imprison all whom the house of commons would accuse of high treason, he had now reason enough to believe they would accuse as many as they were angry with, or as were angry with them. He saw the power that first drove the bishops from the house, and after kept them from thence, would by degrees make those that stayed consent to whatsoever they desired. He knew the licence their chief leaders and directors assumed in their private cabals, to vilify his person, and how they countenanced the most infamous scandals that could be laid on him: that they endeavoured to make it believed that he contributed to and assisted the rebellion in Ireland, (which was justly the most odious imputation that any man could be charged with;) and to that purpose suffered letters and other discourses from mean persons, (if not fictitious,) that the rebels in Ireland called themselves the queen's army, and pretend-

[a] Continued from page 121, line 11.

ed the king's authority for what they did, to be printed and published in the journal of both houses, which could not but make great impression in the people, together with that odious remonstrance they had with such industry dispersed throughout the kingdom: so that many were heard to say in those tumults, that the king was the traitor; and others, that the young prince would govern better; and in the greatest height and fury of them, the lord Kimbolton was heard (at least his majesty was so informed) to bid them go to Whitehall. In this unparalleled distraction, the court, and those whom he had most notoriously obliged, seemed neither concerned in his honour or safety. The earl of Northumberland, whom he had made lord high admiral of England, and upon whom in few years he had bestowed a greater treasure of his favours than upon any man alive, and without the least interruption or pause, was now a declared champion for the most violent, and totally estranged himself from the court. The earl of Holland, whom, but four months before, he had looked upon as his own creature, as he had good reason to account himself from the beginning, joined himself close to and concurred with those councils which with the greatest bitterness were held against him; and having published whatsoever he had under trust drawn from men in the army to the king's disadvantage, he disclosed whatsoever he knew of his master's counsels, or thought of his nature and disposition. The earl of Essex, whom he had lately made a counsellor, and chamberlain of his house, was not the more his servant, but continued in those popular paths he had always walked in, much the less inclined to the king by the infusions the earl of Holland every day instilled to him. The earl of Leicester, who was the last man he had obliged, and obliged to the most envious degree, making him lieutenant of Ireland, was at least so conversant with them, that they took him to be of their faction cordially. And lastly, which, it may be, made all the rest the worse, the countess of Carlisle, who was most obliged and trusted by the queen, and had been for her eminent and constant affection to the earl of Strafford admitted to all the consultations which were

for his preservation, and privy to all the resentments had been on his behalf, and so could not but remember many sharp sayings uttered in that time, was become a confidant in those counsels, and discovered whatsoever she had been trusted with. So that he had very few fit to give him counsel, and none that would avow it; the council-table being only a snare and a trap, to discover who durst think himself wise enough to preserve the public.

In this restraint the king, considering rather what was just, than what was expedient, without communicating it to any of his council, and so not sufficiently weighing the circumstances and way of doing it, as well as the matter itself, resolved not to be stripped of all his own servants, and such as faithfully adhered to him, upon general accusation of treason, the greatest of which was their being dutiful to him, against whom only treason could be committed; but that he would accuse those, who he well knew, and believed he could prove to be guilty of all the treason had been acted or imagined: and so on the third day of January, about two of the clock in the afternoon, he sent for sir Edward Herbert, his attorney general, and delivered a paper to him in writing, which contained a charge against those he meant to accuse; and commanded him forthwith to go to the house, and in his name to accuse those persons to the house of peers of high treason. The attorney accordingly went, and standing up, told their lordships, that he did, in his majesty's name, and by his especial command, accuse the lord Kimbolton, a member of that house, Mr. Pym, Mr. Denzil Hollis, Mr. John Hambden, Mr. William Strode, and sir Arthur Haslerig, of high treason, and other misdemeanours, and seven articles, which he read in these words, and then delivered them to the clerk, and desired the persons might be committed.

APPENDIX, K.

REFERRED TO IN PAGE 170.

THE same day of this triumph, that the danger might be understood to extend farther than these members, who were then accused, and to take away the reputation of the new counsellors, who were preferred to places they had promised themselves, and were looked upon with singular estimation, and were most like to check the furious course they meant to run, two letters were produced in the house, which had been the day before brought to the committee in London, by Mr. Bridgman, a member of the house, of very good reputation, who, having a relation to the king's service, by being solicitor to the prince, and of eminent learning in the law, usually opposed their extravagant proceedings, and had been one of those who dissented in the bill of attainder of the earl of Strafford, and had argued against the treason of the charge. This gentleman received a letter, directed to himself, and left at his lodgings, containing these words:

" Sir,

" We are your friends. These are to advise you " to look to yourself, and to advise others of my lord of " Strafford's friends to take heed, lest they be involved in " the common calamity. Our advice is, to be gone, to pre- " tend business, till the great hubbub be past. Withdraw, " lest you suffer amongst the puritans. We entreat you to " send away this enclosed letter to Mr. Anderton, enclosed " to some trusty friend, that it may be carried safely without " suspicion; for it concerns the common safety. So desire " your friends in Covent Garden. January 4th."

The enclosed was directed, " To the worshipful and my

"much honoured friend Mr. And[illegible] the [illegible]. Bridgman had acquaintance with no such man, and easily found, by the style of his own letter, that it was only directed to him, to bring somewhat to light, or to be able to accuse him of smothering some notable conspiracy; and therefore immediately carried his own letter, and the other, which he would not open, to the committee, which being risen, he delivered both to him who sat in the chair for that service. The letter being broken up by him, was presented to the house, at the next sitting; and was in these words:

"Sir,

"Although many designs have been defeated, yet "that of Ireland holds well. And now our last plot works "as hopefully as that of Ireland, we must bear with some-"thing in the man: his will is strong enough, as long as he "is fed with hopes. The woman is true to us, and real; her "counsel about her is very good. I doubt not but to send "you by the next very joyful news: for the present, our "rich enemies, Pym, Hambden, Hollis, Strode, and Hasle-"rig, are blemished, challenged for no less than treason. "Before I write next, we doubt not but to have them in "the Tower, or their heads from their shoulders. The "solicitor, and Fynes, and earl, we must serve with the same "sauce. And in the house of lords, Mandevil is touched; "but Essex, Warwick, Say, Brook, and Paget, must fol-"low; or else we shall not be quiet. Falkland and Cul-"pepper are friends to our side, at leastwise they will do us "no hurt. The protestants and puritans are so divided, "that we need not fear them; the protestants in a greater "part will join with us, or stand neuters, while the puritan is "suppressed. If we can bring them under, the protestant "will either fall in with us, generally, or else, if they do not, "they are so indifferent, that, either by fair or foul means, "we shall be able to command them. The mischievous "Londoners and apprentices may do us some hurt for pre-"sent; but we need not much fear them; they do nothing "orderly, but tumultuously; therefore we doubt not but

"to have them under command, after one brunt; for our "party is strong in the city, especially Holborn, the new "buildings, and Westminster. We are afraid of nothing "but the Scots appearing again; but we have made a party "there, at the king's last being there, which will hold their "hands behind them, while we act our parts at home. Let "us acquit ourselves like men, for our religion and country, "now or never. The king's heart is protestant, but our "friends can persuade him, and make him believe any "thing: he hates the puritan party, and is made irrecon-"cileable to that side; so that the sun, the moon, and the "stars are for us. There are no less than twenty thousand "ministers in England; the greater part will, in their places, "be our friends, to avenge the bishops' dishonour. Let our "friends be encouraged, the work is more than half done.

"Your servant,

"R. E."

These letters were no sooner read, (though the forgery was so gross, that every discerning and sober person clearly discovered it,) but many seemed much moved by them, and concluded that there was some desperate design against the parliament, which was not yet fully discovered; and they that had but three days before declared, that the proclamation published by the king against those whom he had accused of high treason was a false and scandalous paper, and that the articles which he had preferred against them were seditious, and an injury and dishonour to the said members, were now contented to entertain the most senseless and groundless scandal against two of their members, equal in reputation to the best of the other, and in a matter every man's heart absolved them; and ordered the letters with solemnity to be delivered at the lords' bar, after they were entered in the books of the other house, that the lords might see how many of their members were in danger of the same conspiracy those that were accused had undergone.

APPENDIX L

REFERRED TO IN PAGE 384.

SIR John Hotham appeared himself upon the wall, and when the king commanded him to cause the port to be opened, he answered like a distracted man, that no man could understand; he fell upon his knees, and used all the execrations imaginable, that the earth would open and swallow him up, if he were not his majesty's most faithful subject; talked of his trust from the parliament, of whose fidelity towards his majesty he was likewise well assured; and in conclusion, he made it evident, that he would not permit the king to enter into the town. So that after many messages and answers, for he went himself from the wall, out of an apprehension of some attempt upon his person, the king, after the duke of York, and they who attended him, were permitted to return out of the town; and after he had caused sir John Hotham to be proclaimed a traitor, for keeping the town by force against him, he returned to York, with infinite perplexity of mind, and sent a complaint to the parliament, of Hotham's disobedience and rebellion. It was then believed, and Hotham himself made it to be believed, that Mr. Murray, of the bedchamber, who was the messenger sent by the king in the morning, to give sir John Hotham notice that his majesty intended to dine with him, had infused some apprehensions into the man, as if the king meant to use violence towards him, which produced that distemper and resolution in him: but it was never proved, and that person (who was very mysterious in all his actions) continued long after in his majesty's confidence.

As soon as it was known at Westminster what repulse the king had received at Hull, the joy that appeared in their

countenances and behaviour cannot be expressed, and their public proceeding in the houses were never so insolent. They declared, by an act of both houses, that sir John Hotham had behaved him honestly, and according to the trust they had reposed in him, and in which they would justify him, and that his behaviour had been according to law; and that the king, in proclaiming him guilty of treason, had again broken their privileges. What passed hereupon, by way of messages and declarations, to which the king always (having notice timely, and all preparations being made whilst the debate held in the houses) sent quick and sharp answers, which were still read in churches, as the parliament had appointed theirs to be. Their proceedings in the militia, and their listing men by virtue thereof, in several places in the country, as well as in the city; their choosing the earl of Essex to be their general, and declaring that they would live and die with him, and all other preparations towards a war, are the proper subjects of a history of that time, and not fit to be contained in this discourse[a], though some important particulars cannot be omitted. Nor will it be denied, by any who had the least knowledge of the temper of that time, that from the beginning of those paper skirmishes, the king recovered great reputation and advantage over the two houses, whose high proceedings and carriage was in all places exceedingly censured by all persons of honour and great interest; it being very evident, that they were followed and submitted to principally by the meanest of the people. And though some persons of quality and estates, who had, from their prejudice to some particular bishops, contracted a dislike and displeasure against the church itself, and the religion established, followed their party; yet the number of them was not great, and their credit only with some factious preachers, and those poor people who were corrupted by them; and even of those, there were few that imagined they should be engaged in a war to compass their desires.

[a] Namely, of his life.

APPENDIX, M.

REFERRED TO IN PAGE 404.

ABOUT this time, or a little before, there was an accident, which, though no man could conceive begat the present distempers, many thought did improve them, added fuel to that fire, which otherwise possibly might not have blazed so soon, or in so great a flame. It is remembered, that at the king's going to Hampton-court in January before, he sent to the earls of Essex and Holland to attend him, and that they both refused, that is, neglected to wait on him. During the time that he stayed at Windsor, nor till the queen was shipped from Dover, neither of them came near him. That day he rested at Greenwich, in his way to the north, they came to him, and stayed three or four hours, and returned to Whitehall, where their tables at the king's charge, belonging to their places, were kept, and those especially (if not only) entertained at those tables who were most factious and seditious against the king; and their lordships, in all those conclusions by which the sovereign power was most wounded and contemned, gave their full suffrages. The king being resolved to free himself from the ignominy of such retainers, or at least to reduce them to some formality of duty, shortly after his coming to York, to which place he had adjourned the solemnization of St. George's feast, when he meant (and accordingly did) install his younger son, the duke of York, a knight of that order, his majesty by special letters required the earl of Essex, the lord chamberlain of his household, and the earl of Holland, the first gentleman of his bedchamber and groom of his stole, to be present at that ceremony, whither both their places and relations required them. Whether

they in truth feared any design or attempt upon their persons, which is hardly credible, or (which is more probable) whether they were so conscious of their miscarriages, that they should be displaced if they went, and so would be sure not to lose the favour of the king and parliament at once, or (which is most likely) that they were at this time so far interessed and engaged with the powerful faction, (who knew well to work by degrees upon their several vanities and infirmities,) that they could not safely retire; they both resolved not to yield obedience to the just summons they had received; but, acquainting the house therewith, for their excuse, procured an absolute inhibition, and to be commanded not to desert the service of that house to attend upon the king, who might better dispense with them. Hereupon, the king, being not disappointed in his expectation, sent a letter to the lord keeper in his own hand, with another enclosed to each of the earls, by which he required them forthwith to come to him, and, in case of refusal, to deliver the ensigns of their offices to the lord keeper, who was likewise required to receive the same. The fearful keeper (whose foundations of courage and reason were strangely shaken) durst not adventure the delivery of the letters, but pretended that it would be interpreted in him a breach of privilege, being a member of that house; and upon that pretence wrote to the king to be excused. But the king would not be thereby drawn to wave his resolution; and therefore sent an express command to his faithful secretary the lord Falkland, to perform that which the other refused: who, without any hesitation, being a most punctual man in his duty, though he was nothing glad of the employment, both as he thought it might inflame the present distemper, and as in his nature he abhorred the doing an unkind or unacceptable thing to any man, delivered the letters; and after two or three hours' consideration between themselves, both the lords delivered him the badges of their several offices, the one his staff, the other his key, and so went without those ensigns, which were easily missed, into the house of peers. Great fury and dislike was presently expressed,

that the king should put marks of his displeasure upon any persons so eminently in their favour, and a conference desired with the commons upon a matter of great importance, and highly concerning the honour and privilege of parliament; where the lords declared, that the king had displaced two great officers only for their affection and fidelity to the service of the commonwealth, and that they were to be looked upon as men suffering for doing their duty; and therefore they had voted (in which they desired the concurrence of the commons) that the displacing those great lords from their offices was an effect of evil counsel; and being apparently done because they would not desert the service of the house, was a breach of the privilege of parliament; and that whosoever should presume to take either of those offices was an enemy to the commonwealth, and should be held unworthy of any preferment or place of honour in the kingdom. The commons made no scruple of concurring; and, according to their usual course in matters of censure, added, that whosoever gave the king that pernicious counsel to remove those lords, were enemies to the commonwealth, and should be removed from being near or about his majesty's person. And because the frequent discoursing of evil counsellors carried not that terror with it as they expected, they appointed a solemn day upon which they would name those they conceived (for conceit was enough) to be those evil counsellors, that they might be disabled from doing any farther mischief. Very many, who stood at the nearest distance, and observed the arts and industry that were used to corrupt the affections and to pervert the understandings of the weak, and to heighten the malice and rancour of the wilful, were very sorry for the displacing those two lords, especially the earl of Essex, at that time, believing that it would make him the more capable of being applied to some services against the king, which he would else be drawn very hardly to. And the truth is, the violent and governing party though they seemed very angry, were very much pleased with the accident, imagining that his proud nature would be easily

whetted and inflamed to such an indignation, that he would henceforward stick at nothing. And it did prove of sovereign use to them; his lordship seeming to believe, that the discharging him from his place was the absolving him from any obligation of affection or tenderness, at the least, to the king's service. And many who were avowed and professed enemies to the whole course of his friendships and correspondencies, were then, and have been since, persuaded, that if he had been still suffered to have walked with that staff, he would never have rid in those errands he afterwards did; and whilst he had been trusted with the guard of his majesty's person, which he well understood his office to be, that it would not have been possible to have engaged him in the leading an army against him: and then, I am persuaded, how many soever they have since bred up to lead their armies, there was none that at that time could have raised one for them but the earl of Essex. On the other side, they who only looked upon the bold scandals that were every day raised and countenanced, and the disservice that was every day done to his majesty, and observed those two lords to be not only constant concurrers, but active and stirring promoters of the same, thought the king in policy, that his other servants might not by their examples be taught to tread in their paths, (the common disease then of the court,) and in honour, obliged to remove those whom he could not reform, that he might not be thought insensible of the affronts and indignities offered to him; and rather wondered that he did it no sooner, than that he did it then. So different were the observations and judgments of men of the same affections and equal understandings.

It may be wondered, that neither then, nor upon many other occasions, when the houses seemed highly inflamed with evil counsellors, and appointed set days for the naming of, that they never proceeded in that work; especially after they well enough knew the persons who were not of their opinions, and had interest enough to cross their designs, and the courage to contemn them; and when they

had resolved that without any allegation of a particular crime, their general diffidence (that is, their not confiding) in a man, was argument enough to remove him from any office or trust: but their true reason of not daring to meddle with that general of naming evil counsellors, was their great care of preserving marquis Hamilton, whom, they discovered, some (who meant to give shrewd and experimental reasons, not easy to be answered or avoided) resolved to name, and so they waved the general, till some particular accident (how light soever, as in the absurd, unparalleled case of the duke of Richmond) gave them opportunity to be revenged on him, whom they desired to destroy.

END OF VOL. II.

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